

1 I ever changed it, my mom would probably get mad at
2 me, because she would think I'm actually an adult.
3 However, I do live in Austin, Texas. And I've gone
4 to school here for five years. And actually, under
5 the current piece of -- under the current statute, I
6 can vote in Travis County because I've worked here,
7 I've worked on a number of campaigns here and I'm
8 really invested in a number of the issues. And
9 so -- however, if we actually went under Senator
10 Fraser's piece of legislation I would not be able to
11 vote in Travis County.

12 One correction I would like to make is
13 looking at Section 9, there was a question, and I
14 can't remember by which Representative -- the
15 assertion was actually made that, you know, we would
16 be helping people to vote because they would only
17 have to bring their I.D. or their voter registration
18 card. Right? So making an I.D. required we would
19 be helping them. Well, current statute already
20 states that you can bring a voter I.D. card or your
21 driver's license. So it's or, not and. And I think
22 that's an important delineation to make, because a
23 photo I.D. is not required right now, not even to
24 register to vote. So then having a photo I.D.
25 required and/or something like a birth certificate



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1 where you have to pay for this type of documentation
2 cost money. And I know that that's, you know, a
3 controversial thing to bring up a poll tax. But in
4 all honesty, the fact that you have to pay to get a
5 piece of documentation to then vote is just that
6 very issue and is that definition -- the definition
7 of that.

8 CHAIRMAN SMITH: Thirty seconds.

9 MARY NARANJO: Thank you.

10 One particular thing I would like to bring
11 up is for students in particular this bill is
12 harmful because of issues with domicile and
13 residency, just like the example I gave of my
14 driver's license. In addition to photo I.D.s --
15 state-issued photo I.D.s, of the 44 million students
16 who voted, 19 percent of them don't have a
17 government-issued photo I.D.

18 CHAIRMAN SMITH: Okay. I think your
19 three minutes is up.

20 So tell me, you currently attend the
21 University of Texas Austin?

22 MARY NARANJO: Yes, sir.

23 CHAIRMAN SMITH: Are you registered
24 to vote in -- in Travis County?

25 MARY NARANJO: I can be under this



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1 law.

2 CHAIRMAN SMITH: Are you currently,
3 though?

4 MARY NARANJO: No, sir. I drive four
5 hours to go and vote in Lufkin, Texas, because the
6 absentee ballot that I've cast in the past never
7 made it to my county. And so I had to drive on
8 election day to make sure I got to vote.

9 CHAIRMAN SMITH: So under current law
10 you're not able to vote in Travis County. You're
11 just saying if you registered here, you could?

12 MARY NARANJO: In current law if I
13 wanted to with my -- despite the fact that my
14 driver's license has a Lufkin, Texas address on it,
15 I can still put down my Social Security number
16 and/or my Texas driver's license and register to
17 vote in Travis County. It would be a new
18 registrant, and I would be changing from Angelina
19 County to Travis County. That's why I concurrently
20 have a Texas driver's license in Lufkin and also
21 vote in Travis County as long as I don't vote in
22 both places. That's election fraud.

23 But under Senator Fraser's bill, if I were
24 to have a driver's license or photo I.D. that said
25 Lufkin, Texas, and the voter roll had my address for



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1 Austin, then there would be a discrepancy as to
2 domicile, as to where I live. And so that's where
3 students would be getting turned away. And there
4 are a number of examples of that happening in other
5 states, some where I actually worked in during the
6 election, that being Florida.

7 And so while in theory, you know, it
8 should all work out and everyone should, you know,
9 be able to vote, the implications, the actual
10 practice and logistics of it don't get carried out
11 that way.

12 CHAIRMAN SMITH: And so you're making
13 the presumption that that would change because of --
14 of -- of the -- and we've talked about this on the
15 Committee, and this may or may not make any sense to
16 you. But because of the difference in a presentment
17 standard under the current legis -- under the
18 current language of the law and an identity standard
19 under the law. Is that -- is that your
20 understanding?

21 MARY NARANJO: So the presumption is
22 not there. It's kind of been dropped out or
23 something with the new text. Right?

24 So if there are acceptable forms of I.D.
25 that have -- that are going to be of particular



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1 interest to students is that section -- it would be
2 Section 63.0101, Part 1, "A driver's license or
3 personal identification card issued to the person by
4 the Department of Public Safety that is not expired
5 or that expired no earlier than two years before the
6 date of presentation."

7 Now, what's being stricken out is, "Or a
8 similar document issued to the person by the agency
9 of another state regardless of whether the license
10 is a card or has expired."

11 So students like -- if we have students
12 who are out-coming -- let's say we have Oklahomans
13 come to Texas because they realize Texas is just a
14 better state, which I think we can all agree in this
15 room about. Right?

16 Well, so you have a student who comes to
17 Texas, wants to vote in a Texas election, well, the
18 U.S. Supreme Court says if you go to school in Texas
19 and you consider Texas your home, is what the
20 current statute says, then you can vote in Texas.
21 However, if that person has an Oklahoma driver's
22 license under this -- taking -- taking this chunk
23 out of the bill, they can't. That's how students
24 are going to get turned away. I mean, that's --

25 CHAIRMAN SMITH: So your concern is



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1 about students from other states. It really doesn't
2 affect you --

3 MARY NARANJO: It's both.

4 CHAIRMAN SMITH: Okay. Tell me how
5 it affected you.

6 MARY NARANJO: Because if I were to
7 come to Travis County and they were going to look at
8 my -- if I had a state-issued I.D. and I still had
9 my Lufkin address, which my mother clings onto
10 because she wants me to come back home some day,
11 then I have go to them and say, "Here's my I.D. And
12 it has my Lufkin address, which does not match their
13 address on the voting roll, which would be an
14 Austin, Texas, address," then that's where the
15 discrepancy happens. And while it's not explicit,
16 the problem is when you look at similar laws, like
17 in Indiana, that's where the discrepancy issue is
18 created, because in Indiana a state-issued I.D. to
19 meet the requirements of an I.D. has to have a name,
20 a photo, an expiration date and must be current.

21 For instance, students at I.D. Bloomington
22 (phonetic) they don't have an expiration date on
23 their student I.D.s. So they can't use that as a
24 student card to go and vote.

25 CHAIRMAN SMITH: Do you get a student



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1 identifying card at the University of Texas?

2 MARY NARANJO: Yes, sir.

3 CHAIRMAN SMITH: Is that --

4 MARY NARANJO: In fact, I've got it
5 right here.

6 CHAIRMAN SMITH: -- your Austin
7 address?

8 MARY NARANJO: No, sir. There's not
9 an address on these student cards. In fact, there's
10 a photo, there's my name. There's not even an
11 expiration date. There's a code that I can get food
12 with, but I can't get to vote with it.

13 CHAIRMAN SMITH: Okay. Language in
14 the Senate bill says among the list of photo
15 identification that would be acceptable, a valid
16 identification card that contains a person's
17 photograph and is issued by an agency, institution
18 or political subdivision of this state.

19 UNIDENTIFIED REPRESENTATIVE: Would
20 that not qualify?

21 CHAIRMAN SMITH: I believe it would.
22 That's my -- that's my suggestion.

23 UNIDENTIFIED REPRESENTATIVE:
24 (Inaudible).

25 MARY NARANJO: I -- I would humbly



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1 disagree that, in practice, similar language like
2 that in the Indiana bill --

3 CHAIRMAN SMITH: Not similar
4 language, actually. You said the language said it
5 had to have an expiration. This doesn't call for an
6 expiration.

7 You're talking about an Indiana bill.
8 You're not talking about the Texas bill.

9 MARY NARANJO: Yes, sir. But I'm
10 actually talking about actual practice, like when
11 you have poll workers.

12 CHAIRMAN SMITH: I know exactly what
13 you're talking about.

14 UNIDENTIFIED REPRESENTATIVE: The
15 point is -- the point is the Indiana law has
16 requirements about what has to be on that card that
17 doesn't appear to be in this language.

18 CHAIRMAN SMITH: The point I'm
19 making --

20 MARY NARANJO: That's --

21 CHAIRMAN SMITH: -- is I believe the
22 Senate bill is intended to allow you to vote by
23 simply using your student identification card that
24 is -- I can certainly represent that it is issued to
25 every student in every school in the state, but



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1 certainly is issued, I believe, to almost all of
2 them.

3 And you've got one.

4 MARY NARANJO: It is a state -- it is
5 a state school.

6 CHAIRMAN SMITH: And let me just be
7 clear. You know, the -- we've had a lot of
8 discussion about the extent to which we're going to
9 change current law in terms of the mech -- the way a
10 poll worker identifies whether you do or do not have
11 the proper documentation. And I think there's
12 probably a consensus on this Committee that at the
13 end of the day the consensus in the House is that we
14 not change the current standard to not create any
15 additional complication and that the -- the purpose
16 of this bill would simply be, again, current
17 standard in terms of the way they handle
18 identification, one photo on the list or two
19 non-photos on the list. And there's a number of
20 documents on both lists, and I don't suppose there's
21 anybody in the State of Texas that has every
22 document on both lists.

23 And so I know that there's a number of
24 people that can -- can -- can testify that I don't
25 have this particular document or I don't have this



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101

1 particular document. But I guess what we're really
2 interested in is hearing from anybody that doesn't
3 have any document on the list that would be
4 sufficient to allow them to vote. And it -- it
5 sounds like to me that I -- I have fairly quickly
6 identified a document that you have as a University
7 of Texas student in Austin that would allow you to
8 vote, especially to the extent that we maintain the
9 current standard in terms of the -- the way in which
10 the poll worker determines whether you do or do not
11 have proper documentation.

12 MARY NARANJO: So -- and so just to
13 make sure that I'm understanding correctly, that
14 under Section 6 of the, you know -- which
15 identification you can be able to use, you would say
16 that Part B, "An agency, institution or political
17 subdivision of this state" qualifies as a student
18 I.D.?

19 CHAIRMAN SMITH: Yes. University of
20 Texas.

21 MARY NARANJO: Okay. So what about
22 students at Trinity, St. Mary's, SMU?

23 CHAIRMAN SMITH: That's -- that's
24 a -- that's a -- a question I -- you know, they may
25 or may not, depending on how that is defined --



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1 qualified --

2 UNIDENTIFIED REPRESENTATIVE:

3 (Inaudible).

4 CHAIRMAN SMITH: No. That's one of a
5 number of the list.

6 MARY NARANJO: One thing I would
7 recommend to the Committee is that you would also
8 look at transcripts as another form, considering
9 most students living in the dorms do not get a
10 utility bill, and in most cases we really don't get
11 a number of the two -- two items.

12 CHAIRMAN SMITH: And we've -- we've
13 heard from representatives of the AARP where we've
14 talked about certain senior citizens that do not get
15 an electric bill and do not get a water bill --

16 MARY NARANJO: Uh-huh.

17 CHAIRMAN SMITH: -- but -- but
18 this -- this would allow them to vote with a Social
19 Security card, with a Medicare card, with a Medicaid
20 card.

21 MARY NARANJO: Those are all things
22 old people have.

23 CHAIRMAN SMITH: I understand. I'm
24 talking about --

25 MARY NARANJO: I'm sorry.



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1 CHAIRMAN SMITH: -- my -- my -- I
2 understand.

3 REPRESENTATIVE BROWN: It's next to
4 [sic] who belongs to AARP. That's what he just
5 said.

6 MARY NARANJO: Right. Sorry.

7 CHAIRMAN SMITH: My point is we're
8 talking about a number of people who say I don't
9 have this. And depending on whether you're a young
10 person or an old person what you don't have may
11 vary. But the question is, is there anybody out
12 there that doesn't have the ability to obtain the
13 proper identification. And to the extent that that
14 is -- there are legitimate concerns of that -- of
15 that kind, I can assure you I think the Committee's
16 intent is to address them.

17 To the extent that we simply have a number
18 of people that can identify certain things that they
19 do not have while conceding that they have a lot of
20 other things that would allow them to vote, I don't
21 know that that testimony will be as persuasive.

22 REPRESENTATIVE BROWN: Mr. Chairman --

23 CHAIRMAN SMITH: Yes?

24 REPRESENTATIVE BROWN: -- just one
25 relevant question here.



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104

1 MARY NARANJO: Yes.

2 REPRESENTATIVE BROWN: I think she
3 said she can only vote in Lufkin. Is that where?

4 MARY NARANJO: Yes, ma'am.

5 REPRESENTATIVE BROWN: With her --
6 with her I.D. because a different address on the
7 I.D. Is that correct?

8 CHAIRMAN SMITH: I understand. But I
9 think it's the intent of this Committee if we do
10 what I think we're intending to do --

11 MARY NARANJO: Uh-huh.

12 CHAIRMAN SMITH: -- and I'm not clear
13 on frankly how the Senate language affects you. I'm
14 not conceding that it adversely affects you, but
15 I -- I -- I know we can adopt language that does not
16 change current law in that regard. I mean, it may
17 be that current law creates a problem for you to the
18 extent that your identification that is allowed
19 under current law is not at the proper address. I
20 don't know. But it's not our intent --

21 MARY NARANJO: Actually --

22 CHAIRMAN SMITH: -- to complicate
23 that any more than is necessary. We had discussion
24 last night about the fact that you cannot --

25 MARY NARANJO: I heard.



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1 CHAIRMAN SMITH: -- completely remove
2 discretion from poll workers. You don't want to do
3 that. You don't want to create a bright -- bright
4 line test for where every letter of the I.D. must
5 match the voter registration card, or you're going
6 to create all kinds of problems. You want to allow
7 some discretion on the part of the worker, but I --
8 but on the other hand I think you -- you want to --
9 some limits on the extent of discretion on the part
10 of the poll worker. And that's the balance we're
11 going to be trying to strive.

12 MARY NARANJO: I definitely
13 appreciate the intent of the Committee, especially
14 after listening to testimony for 12 hours yesterday.
15 So I understand you've heard a litany of issues in
16 regards to this.

17 Two things I would like to point out. I
18 think there was a slight misunderstanding - and I
19 can explain it again if you want, or for the sake of
20 brevity, I can skip over it - that currently I can
21 register in Travis County because I live here. But
22 if the -- the way that the law was interpreted, it's
23 the -- from my understanding from the Senate
24 language that I would not be able to vote with my
25 driver's license from Lufkin, because it has me as a



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1 resident in Lufkin, Texas. So I could not vote in
2 Travis County.

3 The second thing that I would all -- the
4 second thing that I would also just like -- did you
5 need something? Sorry.

6 UNIDENTIFIED REPRESENTATIVE: I -- I
7 just -- we just had that discussion about your I.D.
8 and we discussed what it said in the law. So we
9 went over that.

10 VICE CHAIR PENA: Yes, Mr. Chairman.

11 CHAIRMAN SMITH: I believe the
12 Indiana law specifically requires a driver's license
13 with certain information on this.

14 What this law requires is a driver's
15 license or personal identification card issued to
16 the person by the Department of Public Safety that
17 has not expired or that expired no earlier than two
18 years before date of presentation. I think --

19 UNIDENTIFIED REPRESENTATIVE: Uh-huh.

20 CHAIRMAN SMITH: -- it provides you
21 with an opportunity to -- to persuade the poll
22 worker that -- that -- that though the address is
23 different because you're at the University of Texas
24 School of Law, that is your driver's license. And I
25 believe --



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107

1 MARY NARANJO: Uh-huh.

2 CHAIRMAN SMITH: -- that's the same
3 thing that you currently have to do under current
4 law to the extent you try to vote with your driver's
5 license.

6 MARY NARANJO: Which would bring up
7 the second thing. And it seems like it -- you
8 know, the intent is to get people to vote that are
9 who they say they are, which is totally a legitimate
10 pursuit.

11 The issue is then in terms of getting this
12 legitimacy in the paperwork, there's a cost. If a
13 student loses their I.D., it costs them \$10. If
14 they want to get a U.T. I.D., it cost them \$10. If
15 they want to get a driver's license, it costs them
16 \$25. And so there is a legitimate issue with it
17 cost -- you have to pay money to vote. And that's
18 my personal opinion.

19 CHAIRMAN SMITH: Well, and then
20 that's why it's significant that this legislation,
21 unlike some of the other pieces of legislation, does
22 not require you to get that photo I.D. That's
23 why -- I think part of the reason why the Senate
24 bill allows an alternative other than a photo I.D.
25 that that -- that would allow those -- and I think



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108

1 we have determined that we can presume it's a very
2 small percentage, 1.2 percent in Indiana,
3 Mississippi and Maryland. And the presumption is
4 it's a little higher in Texas because of the fact we
5 have a larger minority community.

6 MARY NARANJO: Uh-huh.

7 CHAIRMAN SMITH: But we're talking
8 about a few percent of the people in the state that
9 are registered voters that do not already have photo
10 I.D.s.

11 With regard to that percent, I think
12 you're correct to the extent we mandated a photo
13 I.D., there would be potential arguments regarding a
14 mandated cost that -- that might be a barrier to
15 some people to the polls.

16 But under this bill, they're not doing
17 that. They're allowing two non-photo
18 identifications without requiring anybody to get a
19 photo identification. You understand that?

20 MARY NARANJO: I'm not -- I mean, I'm
21 not familiar with the percentage that you are
22 quoting. But, I mean, there's plenty of --

23 CHAIRMAN SMITH: No. The document
24 says that you have to --

25 REPRESENTATIVE ANCHIA: Can I ask her



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1 a question?

2 CHAIRMAN SMITH: -- to get a photo

3 I.D.

4 Representative Anchia.

5 REPRESENTATIVE ANCHIA: Thank you.

6 Thank you. Mr. Chairman.

7 I think I understand the point.

8 UNIDENTIFIED REPRESENTATIVE: But you
9 have to have documents to get that.

10 REPRESENTATIVE ANCHIA: I think I
11 understand. I'm going to try to ignore the sidebar
12 conversation --

13 MARY NARANJO: No problem.

14 REPRESENTATIVE ANCHIA: -- and try to
15 answer your question.

16 I think I understand the point that you're
17 trying to make. The language of the Senate bill --
18 and we're not talking about the intent of the
19 Committee, but rather you're talking about the
20 Senate bill, is that your identity needed to be
21 verified by the poll worker from the proof
22 presented. Right?

23 MARY NARANJO: Exactly. Yes, sir.

24 REPRESENTATIVE ANCHIA: And that is
25 different than the current presentment standard; it



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110

1 is an identity standard. Correct?

2 And the point I think you're trying to
3 make is that because you have a -- your registration
4 is in Travis County -- it may have your name and
5 your photograph, but at the same time your --
6 your -- your license has your Lufkin address, that,
7 in fact, it might be difficult for a poll worker to
8 say, well, this is the same person that is on the
9 rolls from the proof presented, because it has
10 conflicting addresses. Is that your concern?

11 MARY NARANJO: Yes, sir.

12 And in addition to that, not only is that
13 my personal concern, but there's also been actual
14 instances in Virginia, in Michigan, in Pennsylvania
15 where students who went to polling locations --
16 while the intent of the Committee may be different,
17 the actual implications and, like I say, the
18 logistics of carrying out the legislation is
19 different sometimes than what the hope is.

20 Like, we didn't hope to get into a
21 recession, but guess what, we are in one. So --

22 REPRESENTATIVE ALISEDA: And you
23 represent college students. Correct?

24 MARY NARANJO: Yes, sir.

25 REPRESENTATIVE ANCHIA: From across



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111

1 the country. Correct?

2 MARY NARANJO: 75,000.

3 REPRESENTATIVE ANCHIA: So under the
4 Senate bill if the two forms of I.D. that I had when
5 I showed up at the polls were an out-of-state
6 driver's license, say from Oklahoma, and my Southern
7 Methodist University I.D., would I be able to vote
8 under this bill?

9 MARY NARANJO: No. And, actually,
10 that's a specific case.

11 REPRESENTATIVE ANCHIA: Okay. Would
12 I be able to do it if I had an out-of-state driver's
13 license and a Baylor University I.D.?

14 MARY NARANJO: No.

15 REPRESENTATIVE ANCHIA: Would I be
16 able to do it if I had an out-of-state driver's
17 license and a Trinity University I.D.?

18 MARY NARANJO: No.

19 REPRESENTATIVE ANCHIA: Or a Rice
20 I.D.?

21 MARY NARANJO: No.

22 REPRESENTATIVE ANCHIA: Okay.
23 Because those are all private schools and are not
24 covered under the bill. Right?

25 MARY NARANJO: That's correct.



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112

1 REPRESENTATIVE ANCHIA: So if those
2 are the only two types of I.D. that you brought to
3 the poll and assume they both had your photo on
4 them, right, a private university I.D. and an
5 out-of-state driver's license, you would not be able
6 to vote under the Senate bill. Is that not correct?

7 MARY NARANJO: That is correct.

8 REPRESENTATIVE ANCHIA: And didn't
9 that happen quite a bit in Indiana?

10 Weren't there a lot of college students
11 there who are U.S. citizens, validly registered, of
12 age, and they were turned away at the polls? Is
13 that not correct?

14 MARY NARANJO: Yes. The same thing
15 happened in Florida, which is another one of the
16 three states that we continue to reference, and then
17 we also had problems in South Carolina and Colorado.

18 REPRESENTATIVE ANCHIA: The
19 respect -- the intent of having a broad list of
20 documents. But if you show up to the polls with
21 just -- with two forms of photo I.D., one being your
22 out-of-state driver's license and one being a
23 college -- a private college photo I.D., you're not
24 going to be able to vote, even though otherwise
25 you're eligible?



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113

1 MARY NARANJO: One, you're not going
2 to be able to vote. And, two, the (inaudible) which
3 actually goes as far as to strike other state I.D.s.
4 So it's actually --

5 REPRESENTATIVE ANCHIA: Affirmatively.

6 MARY NARANJO: Exactly. So we're
7 actually regressing.

8 REPRESENTATIVE ANCHIA: And in past
9 sessions -- I don't know if you're aware, but I
10 worked on this in the 2005 session and 2007 session.
11 Those bills were amended or introduced with
12 provisions for I.D.s from other -- from other
13 universities including private universities from
14 within the State and public universities from
15 outside the State.

16 So I -- I -- I know -- those -- those
17 provisions are noted -- noticeably absent --

18 MARY NARANJO: Right.

19 REPRESENTATIVE ANCHIA: -- from the
20 Senate bill.

21 MARY NARANJO: I mean, in addition to
22 that, students who would be attending the University
23 of Texas who would decide to change their domicile
24 or consider home [sic], there are numerous examples,
25 the most noticeable one being Virginia where



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114

1 students at Virginia Tech received a release from
2 the Montgomery County Registrar saying that students
3 would face serious consequences for registering in
4 Virginia including being dropped from their parents'
5 health insurance or voiding their status as
6 dependents on their parents' tax returns. So in
7 addition to the fact that students, let's say, at
8 the University of Texas could vote with their U.T.
9 I.D., the intent and continued disenfranchisement of
10 young people who vote, mainly because we happen to
11 have actually shown up this year, congrats to us, we
12 are actually being intimidated in disproportionate
13 amounts in what seem to be swing states like
14 Florida, Michigan, Virginia, Pennsylvania, Colorado.
15 And that -- I mean, I think that there's a clear --
16 a clear issue with where these instances are
17 occurring and how people are -- are reacting.

18 In fact, another notable case would be
19 North Carolina, where we had students on the UNCW's
20 campus when addresses could not be verified for poll
21 workers, students were turned away. Some also said
22 they never received voter registration cards and
23 they could not find their registration status
24 online.

25 REPRESENTATIVE ANCHIA: Let's talk



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115

1 really quickly about Texas. I want to ask you --
2 this is -- this is the last question.

3 If this Senate bill passed the House and
4 was signed by the Governor and became law as is, do
5 you believe that college students in Texas would be
6 disenfranchised?

7 MARY NARANJO: Yes.

8 REPRESENTATIVE ANCHIA: What is an
9 acceptable level of U.S. citizen eligible college
10 students -- college students -- what is an
11 acceptable level of disenfranchisement for the
12 members of -- of your organization?

13 MARY NARANJO: I -- I think the fact
14 that we've been working so hard as a democracy to
15 say you want to participate and be counted as a real
16 citizen of the U.S., you have to go and vote, you
17 have to participate. I think the fact that now
18 we're saying, no, not only do you have to be alive,
19 kicking and (inaudible) to show up, now you have to
20 have these documents, which cost money to have, or
21 you have to go through this process to get this
22 document.

23 Right now, voting is free in the State of
24 Texas. When you go to register to vote you either
25 put in your Social Security number, your I.D. number



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116

1 or check none or --

2 REPRESENTATIVE ANCHIA: So I think
3 I'm hearing your answer is zero.

4 MARY NARANJO: Exactly.

5 REPRESENTATIVE ANCHIA: Okay.

6 MARY NARANJO: I would say one is too
7 many when we're still trying -- when we still have
8 voter participation of 42.8 percent on average since
9 1945.

10 REPRESENTATIVE ANCHIA: Are you aware
11 of -- and I know I said it was my last question.
12 But are you aware of any cases of voter
13 impersonation among college students in Texas?

14 MARY NARANJO: No. We have people
15 dress up as Mario Brothers when they voted, but they
16 didn't say they were Mario Brothers.

17 REPRESENTATIVE ANCHIA: Okay. Thank
18 you for your testimony.

19 CHAIRMAN SMITH: Any other questions,
20 Members?

21 Let me just say that I -- I don't know how
22 many students we have at private universities that
23 would not have any of the documents on this list,
24 which include a variety of documents, but I -- I --
25 I do not understand and can't imagine where a photo



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117

1 identification from any private university in this
2 state would not be sufficient --

3 MARY NARANJO: Well --

4 REPRESENTATIVE ANCHIA: -- like our
5 alma mater, Mr. Chairman.

6 CHAIRMAN SMITH: Absolutely.

7 MARY NARANJO: If the language said
8 that, then that would be fine.

9 Again, the intent of the Committee is
10 different than the language in the Senate bill. And
11 I think that's where there are discrepancies and
12 confusion.

13 And I'm sorry Representative Bonnen is not
14 here to hear me explain this, but if you look at
15 Subsection B, which is the no photo I.D. documents
16 that you can have, a utility bill is not commonly
17 had by a student who's a freshman living in a
18 dormitory. A birth certificate costs money to get,
19 and you have to actually go to the county where you
20 were born to get it in some states. Citizenship
21 papers issued to a person -- a passport costs money,
22 citizenship papers cost money. Again, the
23 discrepancy here is that students could get some of
24 this stuff, yes. That's not the issue. It's that
25 it's going to cost money for them to get this --



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118

1 these documents that you are requesting. And if the
2 state wants to make these documents fully available
3 to students and let students of private universities
4 vote and inform everyone in the State of Texas that
5 they have to have this information to vote, then I
6 don't think there would be really an issue.

7 But the fiscal note that was attached to
8 this bill does not indicate a willingness to do
9 that, only \$2 million. That -- I mean, a holistic
10 perspective if -- if we want to put our money where
11 our mouth is, well, then, people can put their votes
12 where their votes are. I mean --

13 CHAIRMAN SMITH: I think -- I think
14 you've identified one thing we can add to the list
15 of photo identifications, and that's why we have
16 public testimony. And we appreciate you taking the
17 time to be with us today. I didn't know if you
18 realized this morning when you got up and put on
19 that red coat what confusion you were going to
20 cause.

21 MARY NARANJO: I know what's going
22 on. Right?

23 CHAIRMAN SMITH: Thank you.

24 MARY NARANJO: Thank you for having
25 me.



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119

1 CHAIRMAN SMITH: You bet.

2 UNIDENTIFIED REPRESENTATIVE: Can I
3 see this?

4 CHAIRMAN SMITH: At this time the
5 Chair calls Skipper Wallace representing the Texas
6 Republican County Chair's Association testifying in
7 favor of Senate Bill 362.

8 Please state your name and who you
9 represent.

10 SKIPPER WALLACE: Mr. Chairman, my
11 name is Skipper Wallace. I represent the Texas
12 Republican County Chairman's Association, and we do
13 support the bill.

14 I have a solution for this young lady's
15 problem.

16 CHAIRMAN SMITH: Okay.

17 SKIPPER WALLACE: All she's got to do
18 is declare she's an adult and change her address on
19 her driver's license as any other student in any of
20 these other universities do and they can vote.

21 There's been a lot of testimony about
22 different kinds of voter fraud. We're talking about
23 impersonation today, voter impersonation and voter
24 fraud through voter impersonation. We've taken all
25 kinds of testimony about voter fraud, about how many



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120

1 cases there are of voter impersonation or how many
2 cases there aren't of voter impersonation.

3 I've been an election judge -- I've been a
4 county chair for 18 years; I've been election judge
5 in one capacity or another for all those 18 years.
6 I can guarantee you we've got a room full of
7 election judges and election workers here.

8 You cannot prove voter impersonation
9 unless you know personally the person that's
10 presenting the fake I.D. card or the -- or the voter
11 registration card that is not theirs. There is no
12 way to prove it. And that leads to the second
13 problem. We can't prove voter impersonation,
14 because we don't have any cases logged and filed and
15 with the Attorney General or the local D.A. because
16 the folks are already gone. The only way we know
17 we've had voter impersonation is if we get a whole
18 bunch of signatures that look like they match or if
19 we get dead people after we checked the rolls after
20 the election that voted. And that's -- that's the
21 only way that we can know that we've had voter
22 impersonation. Voter impersonation is almost
23 impossible to prove.

24 There's been talk about delaying the
25 implementation of this bill for another four years.



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121

1 Mr. Chairman, I've been working on this bill for six
2 years already. This bill does not need to be
3 delayed any longer. It needs to be passed now. And
4 it needs to be passed in as strict a form as we can
5 possibly do to get it passed and still get the House
6 votes to get it there.

7 One of the main complaints that we have on
8 this bill, it's difficult for seniors, the poor and
9 the handicapped to get photo I.D. We've agreed in
10 the bill or in -- I think in all our discussions
11 that we would put forward an education program in
12 the bill, we would put together an increased voter
13 registration effort to -- and we would also have no
14 cost for anyone that didn't have the money to pay
15 for the bill. The Secretary of State's office says
16 that there was 12.7 registered voters in the last
17 primary. There is 14 million driver's licenses and
18 4 million I.D. cards, and there are 5.3 million more
19 government-issued I.D. cards in the State of Texas
20 than there are registered voters to vote. So I
21 would like to know who didn't have an I.D. card.

22 I beg you to stop perpetuating voter fraud
23 and pass a good voter I.D. bill. Thank you.

24 Be glad to answer any questions.

25 CHAIRMAN SMITH: Questions, Members,



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122

1 for Mr. Wallace?

2 REPRESENTATIVE VEASEY: (Inaudible).

3 CHAIRMAN SMITH: Members of the
4 Committee, anybody -- I'm going to come to you,
5 Mark, but first of all, Members of the Committee?

6 Mark? Representative Veasey. There's a
7 button under there somewhere.

8 REPRESENTATIVE VEASEY: Yeah.

9 (Inaudible).

10 CHAIRMAN SMITH: Wrong one.

11 REPRESENTATIVE VEASEY: (Inaudible).

12 CHAIRMAN SMITH: Yes, sir.

13 REPRESENTATIVE VEASEY: Sorry about
14 that. Okay. Where are you from, again?

15 SKIPPER WALLACE: Lampasas, Texas.

16 REPRESENTATIVE VEASEY: Lampasas.
17 Okay.

18 How many instances of voter impersonation
19 has there been in Lampasas?

20 SKIPPER WALLACE: Who knows? We
21 can't prove it.

22 REPRESENTATIVE VEASEY: If there were
23 evidence presented to you -- and I know that you
24 weren't here last night, but --

25 SKIPPER WALLACE: Oh, yes, I was,



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123

1 until midnight.

2 REPRESENTATIVE VEASEY: You were?

3 Okay. So even after some of the witnesses came and
4 said there would be certain groups that could be
5 disenfranchised and they would be denied their right
6 of suffer-age, did that help move you at all?

7 SKIPPER WALLACE: I -- I appreciated
8 the lesson we got on black history last night about
9 all the suffer-age the black people have gone
10 through, and I sympathize with you on that. And we
11 have tried to do everything we possibly can do by
12 legal or whatever means to -- to take care of those
13 things. And I think we have done that, or we make a
14 genuine effort to do that. We certainly don't want
15 to disenfranchise anybody from voting, particularly
16 minorities, anybody from voting. Every vote counts.
17 We want to make sure that every vote that is cast is
18 cast by someone that is supposed to be voting and
19 not canceled out by someone who is not supposed to
20 be voting.

21 REPRESENTATIVE VEASEY: If -- if
22 there were measures or amendments that would make it
23 to where someone who legally did have the right to
24 vote -- where they were not committing voter
25 impersonation but, for whatever reasons that you



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124

1 heard last night, didn't have an I.D., would you be
2 willing to work with, you know, myself and members
3 of the minority community, various members of your
4 communities?

5 And I'm sure that you have a diverse
6 community; maybe not --

7 SKIPPER WALLACE: Very, very diverse.

8 REPRESENTATIVE VEASEY: Yeah. But
9 would you be willing to work with members of that
10 community on -- on compromise and make sure that
11 everybody's vote counted?

12 SKIPPER WALLACE: Sure. In fact, we
13 have had many discussions about how to take care of
14 folks through increased voter registration efforts,
15 through increased voter education. We're more than
16 willing to try to work with anybody that feels like
17 they have been suppressed from voting to try to
18 solve that problem. We do not want anybody to feel
19 like they're suppressed. Yes, sir.

20 UNIDENTIFIED REPRESENTATIVE:

21 Representative --

22 CHAIRMAN SMITH: Representative.

23 REPRESENTATIVE BROWN: Mr. Wallace --

24 SKIPPER WALLACE: Yes, ma'am.

25 REPRESENTATIVE BROWN: -- we



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125

1 appreciate you sticking with us tonight.

2 SKIPPER WALLACE: I'm always there.

3 REPRESENTATIVE BROWN: And nice to
4 see you again today.

5 Do you share the -- the opinion that we
6 would actually be helping a lot of people by giving
7 them means by which they can attain -- obtain a
8 voter I.D. or a -- an I.D., people who are now
9 suffering the consequences of not being able to
10 prove their identity for anything?

11 SKIPPER WALLACE: I certainly want to
12 do everything we can do to provide I.D.s to folks
13 who do not have I.D.s. I just stated in my
14 testimony a while ago that we have 5.3 million more
15 government-issued I.D.s in the State of Texas than
16 what we have registered voters. I'm trying to
17 figure out who doesn't have an I.D. already.

18 REPRESENTATIVE BROWN: Uh-huh,
19 uh-huh. That number does bring some questions to
20 mind, does it not?

21 SKIPPER WALLACE: It does to me.

22 REPRESENTATIVE BROWN: It certainly
23 makes it look like we perhaps don't have quite as
24 many people without I.D.as has been previously --

25 SKIPPER WALLACE: I'm sure there are



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1 some.

2 REPRESENTATIVE BROWN: Do you
3 remember the days when Debra Danberg was Chairman of
4 Elections in the House?

5 SKIPPER WALLACE: I -- I do.

6 REPRESENTATIVE BROWN: I just --
7 someone brought me a quote from her yesterday. It
8 was a few days -- I mean, a few years ago.

9 SKIPPER WALLACE: Yes, ma'am.

10 REPRESENTATIVE BROWN: It was printed
11 in the Wall Street Journal, and this was back in the
12 year 2000. "State Representative Debra Danberg, a
13 Democrat who was Chairwoman of the Elections Panel
14 of the Texas Legislature, says such cases that have
15 been presented strengthen her resolve to press for
16 reforms, even if many older voters don't want it."

17 "To me, this is victimizing the elderly,"
18 she says. "I wish the older citizens' lobby groups
19 would see the fraud I'm seeing and start reacting
20 like victims of fraud."

21 So even in 2000, Ms. Danberg was seeing
22 that there was fraud going on. She -- she was --
23 she was seeing the effects of it and -- and saying
24 that she hoped -- that she wished that more people
25 would step forward and let's end this.



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127

1 SKIPPER WALLACE: Well --

2 REPRESENTATIVE BROWN: So I thought
3 this was a significant quote.

4 SKIPPER WALLACE: I -- I think it is
5 a very good quote and a good feeling that she had.
6 That was before Mary Denny's time.

7 REPRESENTATIVE BROWN: Right.

8 SKIPPER WALLACE: Mary Denny was the
9 one that really started working hard on the voter
10 I.D. bill.

11 REPRESENTATIVE BROWN: Uh-huh.

12 SKIPPER WALLACE: And I worked with
13 her. I worked with the Chairman before Mr. Smith
14 and I --

15 REPRESENTATIVE BROWN: And so you
16 know that I carried Mary Denny's bill last year.

17 SKIPPER WALLACE: I'm very aware you
18 carried Mary Denny's bill, and I -- I testified on
19 it a number of times, too.

20 REPRESENTATIVE BROWN: I know you
21 did.

22 SKIPPER WALLACE: I really feel like,
23 you know, that we're -- that -- the problem is we
24 can't prove that there isn't voter I.D. fraud. The
25 Democrats, Mr. Anchia or whoever his constituents,



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1 can't prove that there, you know, is. We can't
2 prove that there is, you can't prove that there
3 isn't.

4 REPRESENTATIVE BROWN: Uh-huh.

5 SKIPPER WALLACE: My thinking is
6 we've got lots of election problems in the fraud
7 area.

8 REPRESENTATIVE BROWN: That's right.

9 SKIPPER WALLACE: We might have some
10 voter suppression issues that we need to address.
11 But let's address this one and get it behind us.
12 Then we'll work on the -- the ballot by mail. And I
13 know we have problems in the ballot by mail.

14 REPRESENTATIVE BROWN: And I agree.
15 I think this is just a baby step that we
16 absolutely --

17 SKIPPER WALLACE: We -- we -- I
18 think --

19 REPRESENTATIVE BROWN: -- before we
20 do anything else.

21 SKIPPER WALLACE: -- everybody wants
22 the best elections that we can get. And we've got
23 to do it -- we've got to temper justice with mercy.
24 And I understand -- my friend Raphael over here, we
25 talk about these things all the time. And I know



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1 he's got one opinion and I've got another, and
2 that's okay. That's what it's all about. But I
3 started to bring my -- my passport for you today,
4 Raphael, but you didn't ask for it. But anyway --

5 UNIDENTIFIED REPRESENTATIVE: That's
6 a different bill.

7 SKIPPER WALLACE: That's a different
8 bill.

9 REPRESENTATIVE BROWN: Do you have --
10 by the way, do you have your voter registration
11 card?

12 SKIPPER WALLACE: I have my voter
13 registration card, I have my handgun license, I have
14 my driver's license. I -- I'm -- I'm very I.D.ed.

15 REPRESENTATIVE BROWN: I have all of
16 those, too. And I -- I never --

17 SKIPPER WALLACE: I don't have
18 (inaudible) with me, though.

19 REPRESENTATIVE BROWN: -- take my
20 voter card out of my billfold. And I can't figure
21 out these people that can never find their voter
22 registration card --

23 SKIPPER WALLACE: I cannot, either.

24 REPRESENTATIVE BROWN: -- because
25 mine stays there with my driver's license.



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130

1 SKIPPER WALLACE: I'm sorry Mr. Bohac
2 can't find his, but...

3 REPRESENTATIVE BROWN: Thank you,
4 Mr. Wallace.

5 SKIPPER WALLACE: Yes, ma'am.

6 CHAIRMAN SMITH: Representative
7 Anchia.

8 REPRESENTATIVE ANCHIA: I just want
9 to say to Skipper thank you for staying up with us
10 yesterday and being here to testify on the bill.

11 I would love to engage you on a more
12 in-depth discussion of mail-in ballot fraud. It is
13 clearly a problem, and I think you talked about
14 Representative Dan -- former Chairwoman Danberg's
15 concern about mail-in fraud. I just want to state
16 for the record that the Senate bill does nothing --

17 SKIPPER WALLACE: I understand that.

18 REPRESENTATIVE ANCHIA: -- to remedy
19 mail-in fraud.

20 SKIPPER WALLACE: I understand that.

21 REPRESENTATIVE ANCHIA: You share
22 that concern.

23 And if -- if the Republican county
24 officials group that you represent has a plan to
25 deal with that, I'd really appreciate if you brought



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131

1 it forward so we could work constructively on that.

2 SKIPPER WALLACE: I would certainly
3 love to work with you solving the voter fraud
4 problem, but if you'll help me solve this one first,
5 then we'll work on that one, I promise you.

6 REPRESENTATIVE ANCHIA: Let's --

7 SKIPPER WALLACE: I promise you.

8 REPRESENTATIVE ANCHIA: -- let's
9 solve all the fraud at the same time.

10 SKIPPER WALLACE: Well, you
11 know, that's ideal. I would love to do that, but I
12 don't think it's realistic. And I'm a very
13 realistic, down-to-earth, commonsense kind of guy.
14 And I know things are hard to get through the
15 legislature, because there's two sides to
16 everything. And if we can get this one, that's one
17 small problem out of the way, and then we can work
18 on the next biggest problem, then the next biggest.
19 And soon maybe we'll have them all solved. I doubt
20 it; not in my lifetime.

21 REPRESENTATIVE ANCHIA: No. My view,
22 I -- and I agree with you --

23 SKIPPER WALLACE: You're a lot
24 younger than I am.

25 REPRESENTATIVE ANCHIA: -- we should



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132

1 prioritize. So if we have a big problem that we
2 know exists in mail-in ballots, let's tackle it.
3 And the problems that you don't have evidence for or
4 really none --

5 SKIPPER WALLACE: We may have a big
6 voter impersonation problem that we don't know
7 before. We think we do. There is lots of folks out
8 here that's going to testify that they've seen cases
9 of it.

10 REPRESENTATIVE ANCHIA: There are
11 people who believe in UFOs who have never seen one,
12 either.

13 SKIPPER WALLACE: I understand that,
14 too.

15 REPRESENTATIVE ANCHIA: Thank you,
16 Mr. Wallace.

17 SKIPPER WALLACE: Thank you.

18 UNIDENTIFIED REPRESENTATIVE: And
19 Mr. Wallace --

20 SKIPPER WALLACE: Yes, sir.

21 UNIDENTIFIED REPRESENTATIVE: -- we
22 heard from Buck Wood here today.

23 REPRESENTATIVE ANCHIA: I listened to
24 Mr. Wood's testimony.

25 UNIDENTIFIED REPRESENTATIVE: And his



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1 opinion after having looked at this for years was
2 the only way he knew to get at it was to go back to
3 the old law where you had to have an excuse when
4 you're over 65 on how to vote by mail. That was his
5 opinion.

6 SKIPPER WALLACE: I -- I -- I --
7 well, I don't think we're here to just vote about
8 mail problems today.

9 UNIDENTIFIED REPRESENTATIVE: Do you
10 know of any -- believe me, I don't know why we can't
11 try to solve voter registration fraud as a part of
12 this or other legislation this session.

13 What we need is an I.D. that would solve
14 that problem that would not result in anybody being
15 accused of voter suppression, because my
16 impression - and I think this happened in -- in --
17 when Representative Woolens filed his legislation in
18 early 2000 to try to get at the problem of
19 harvesting votes in senior citizens homes - is he
20 was accused of trying to suppress voters, also.
21 It's -- it's -- you know, believe me, I think
22 everybody on this Committee is prepared to address
23 that problem. And we just need a good idea that
24 would solve it and that -- where we could all agree
25 that we're solving this problem and nobody would



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134

1 accuse anybody of trying to suppress any legal vote.

2 SKIPPER WALLACE: Well, that's always
3 the situation, Mr. Chairman, is that when we tighten
4 up the process we're accused of suppression. When
5 we try to make it easier for people to vote, we're
6 accused of making it, you know, too easy and voter
7 fraud creeps in. So I don't know that there is a
8 magic bullet.

9 I think that between you smart folks you
10 can come up with a -- maybe a solution to that.
11 We'll be glad to help you with that. I don't have
12 the magic bullet. I wish I did, I tell you.

13 CHAIRMAN SMITH: Representative
14 Brown.

15 SKIPPER WALLACE: Yes, ma'am.

16 REPRESENTATIVE BROWN: Just one other
17 comment. Your statement -- one of your statements
18 brought to mind a testimony that was given in the
19 Senate when they were hearing the bill --

20 SKIPPER WALLACE: I was there, too.

21 REPRESENTATIVE BROWN: -- from the
22 gentleman from --

23 SKIPPER WALLACE: Twenty-seven hours.

24 REPRESENTATIVE BROWN: Yes. You
25 think -- you probably remember the gentleman from



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135

1 Indiana talking about once they passed the -- the
2 I.D. bill in Indiana --

3 SKIPPER WALLACE: Uh-huh.

4 REPRESENTATIVE BROWN: -- he said
5 suddenly there was an atmosphere of cooperation; we
6 were able to get things done. The Democrats and
7 Republicans worked together - excuse me - and we
8 went on and passed a lot of needed legislation,
9 working together. But for some reason the voter
10 I.D. bill had become a wedge issue and --

11 SKIPPER WALLACE: As it is here.

12 REPRESENTATIVE ANCHIA: -- and had
13 stood in the way of getting other things done.

14 Once they got it out of the way they were
15 able to work on many other things together. And
16 that's --

17 SKIPPER WALLACE: I think --

18 REPRESENTATIVE BROWN: -- what I'm
19 hoping for Texas.

20 SKIPPER WALLACE: -- one of the
21 things, it brings voter confidence back in the
22 system --

23 REPRESENTATIVE BROWN: Amen.

24 SKIPPER WALLACE: -- that say, why do
25 I need to go vote? You know, mine's going to get



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136

1 canceled out by somebody through whatever reason,
2 voter impersonation by mail, whatever reason. We've
3 got lots of problems in the election processes.

4 But I think if we can get past this hurdle
5 and get these problems solved where we have a little
6 bit more creditability in the election process, the
7 next hurdle we'll tackle is mail-in ballots, which
8 we know we have a problem there, too. You know,
9 we've got a lot of problems we've got to work on in
10 the State, not just voter problems. But these are
11 some of the ones -- these are the basic platform for
12 our whole society, for our whole country is our
13 election process. If we don't have creditability in
14 the election process, then, you know, as we found
15 out in Linda Harper-Brown's -- it doesn't take very
16 many bogus votes to flip an election. And it's --
17 you know, we like to lost her.

18 REPRESENTATIVE BROWN: To me, it's so
19 important that we prove that we can get control of
20 our elections and provide more integrity --

21 SKIPPER WALLACE: I think so.

22 REPRESENTATIVE BROWN: -- because we
23 are the ones that are trying to export democracy --

24 SKIPPER WALLACE: Yeah.

25 REPRESENTATIVE BROWN: -- Democratic



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137

1 elections to other countries. For us to lose
2 control of ours and it not be --

3 SKIPPER WALLACE: Well, the simple
4 thing about it here in the United States is that we
5 have such a trusting system. We have an honor
6 system.

7 REPRESENTATIVE BROWN: Uh-huh.
8 (Inaudible).

9 SKIPPER WALLACE: We're the only
10 country in the world that goes on the honor system.
11 Even in Mexico, right across the border --

12 REPRESENTATIVE BROWN: Correct.

13 SKIPPER WALLACE: -- which I would
14 have thought their system was much more loopy-goosy
15 than ours, they require biometrics. You
16 know, you've got to have a thumbprint, you've got to
17 have an I.D. card, no question. You don't vote or
18 you got it, one or the other.

19 Of course, even in Iraq now they've got to
20 stick their finger in the blue ink to vote. That
21 might be a good thing here. Who knows. We'd sure
22 cut out multiple voting.

23 UNIDENTIFIED REPRESENTATIVE: My kids
24 really want to move to Iraq and Mexico, too.

25 SKIPPER WALLACE: I don't, either,



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138

1 sir.

2 UNIDENTIFIED REPRESENTATIVE: What
3 votes -- what votes -- how many bogus votes were
4 there in Ms. Harper-Brown's election?

5 SKIPPER WALLACE: I think it was -- I
6 don't know. I think she was finally elected by 14,
7 I believe. But that's --

8 UNIDENTIFIED REPRESENTATIVE: Okay.
9 And how many -- how many of the 40,000 were bogus?

10 SKIPPER WALLACE: I couldn't tell
11 you, sir.

12 UNIDENTIFIED REPRESENTATIVE: Well,
13 then, why did you just say that bogus votes almost
14 cost her her seat?

15 SKIPPER WALLACE: Well, that were --
16 some news articles that I read --

17 UNIDENTIFIED REPRESENTATIVE: That
18 said what?

19 SKIPPER WALLACE: That said there
20 were a number of votes in question. And I think
21 they had to recount them three times. And --

22 UNIDENTIFIED REPRESENTATIVE: And
23 they counted them three times. And how many bogus
24 votes did they find?

25 SKIPPER WALLACE: I don't know, sir.



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139

1 I can't testify to that.

2 UNIDENTIFIED REPRESENTATIVE: Then
3 why did you come up here and just tell this
4 Committee she almost lost her seat because of bogus
5 votes? I'm just curious. That -- I'm just -- I
6 want to know the answer.

7 People say things. It's easy to say
8 things.

9 SKIPPER WALLACE: Well, there were a
10 number of questionable votes. I don't know --

11 UNIDENTIFIED REPRESENTATIVE: And
12 they counted them three times.

13 SKIPPER WALLACE: -- wasn't involved
14 in that process.

15 UNIDENTIFIED REPRESENTATIVE: They
16 counted them three times?

17 SKIPPER WALLACE: That was my
18 understanding.

19 UNIDENTIFIED REPRESENTATIVE: And her
20 opponent picked up in votes after they recounted
21 them. She won.

22 SKIPPER WALLACE: Good.

23 UNIDENTIFIED REPRESENTATIVE: So I
24 still -- if she almost -- if you almost lost her
25 because of bogus votes, I would like to know what



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140

1 they are.

2 SKIPPER WALLACE: Well, if she were
3 here maybe she could answer that question.

4 UNIDENTIFIED REPRESENTATIVE: You
5 said it. She didn't.

6 SKIPPER WALLACE: She's the expert.

7 UNIDENTIFIED REPRESENTATIVE: Okay.

8 SKIPPER WALLACE: I'm a public
9 testimony. Remember?

10 UNIDENTIFIED REPRESENTATIVE: You're
11 what?

12 SKIPPER WALLACE: Public testimony.

13 UNIDENTIFIED REPRESENTATIVE: Well,
14 she's a member of the public, too. We only get paid
15 \$35 a month.

16 UNIDENTIFIED REPRESENTATIVE: He's
17 referring to the fact that last night we had expert
18 testimony and today it's public testimony.

19 UNIDENTIFIED REPRESENTATIVE: Okay.

20 CHAIRMAN SMITH: Members, any other
21 questions? Thank you, Skipper.

22 SKIPPER WALLACE: Thank you,
23 Mr. Pena.

24 REPRESENTATIVE VEASEY: All right.
25 Mr. Chairman --



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141

1 CHAIRMAN SMITH: Yes.

2 REPRESENTATIVE VEASEY: -- can you
3 hear me okay? Because the light's not coming on.

4 CHAIRMAN SMITH: I can hear you. Go
5 ahead.

6 REPRESENTATIVE VEASEY: Okay. I
7 wanted to just point out that Mr. Skipper [sic] in
8 his testimony when I pointed out about, you know,
9 voter suffer-age and people being able to exercise
10 their right to vote, that Mr. Skipper said that he
11 would be supportive in this, that [sic] would make
12 sure that everybody that has the legal right to vote
13 in this country -- even if they didn't have an I.D.,
14 that he wanted to make sure that no one that could
15 legally vote lost their suffer-age. So I think
16 that's particularly important for our Republican
17 friends to take forward with them as we proceed
18 along with this particular debate. So I just want
19 to point that out.

20 VICE CHAIR PENA: Thank you,
21 Representative Veasey.

22 Okay. The Chair calls Luis Figueroa.

23 Luis, I have you here from MALDEF, but why
24 don't you go ahead and state your name and who you
25 represent.



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142

1 LUIS FIGUEROA: Thank you, Vice
2 Chair, Chairman. My name is Luis Figueroa. I'm the
3 Legislative Staff Attorney at the Mexican American
4 Legal Defense & Educational Fund, MALDEF. And we
5 are here in opposition to Senate Bill 362.

6 MALDEF is a legal organization founded in
7 San Antonio, Texas to protect and promote Latino
8 civil rights including voter rights. And we want to
9 inject some new information to this debate based on
10 some of the litigation that we've done. We
11 understand that the Committee is trying to weigh the
12 cost of benefits of stopping potential voter fraud
13 or unproven voter impersonation versus preventing
14 access to the ballots. And the best information we
15 have about that is from our litigation in Gonzalez
16 v. Arizona (phonetic) in which MALDEF served as lead
17 counsel for the plaintiffs. This is important
18 information from Arizona, because it's the closest
19 to what's being proposed by Senate Bill 362. In
20 Arizona you prepare a photo I.D. If you don't have
21 one, you present two non-photo I.D.s. So it's
22 probably the closest state to what is being proposed
23 by Senate Bill 362. What we learned in Arizona is
24 there weren't that many or there were actually no
25 supportive (inaudible) incidence of voter



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1 impersonation. If mister -- and there was something
2 of a -- a solution in search of a problem.

3 But during these investigations we found
4 that what happened was when a person was -- did not
5 have representative documentation they would cast a
6 provisional ballot which would actually count the
7 number of people who were disenfranchised based on
8 the lack of identification. They were told to
9 return within five days. And if they did not return
10 within five days their vote was not counted.

11 Across three federal elections, the 2006
12 primary, the 2006 general, and the 2008
13 Presidential, 4194 votes cast conditional
14 provisional ballots that were never counted because
15 a voter could not provide the required I.D.

16 Now, in Texas, we know we cast 42,000
17 provisional ballots. And under our current law,
18 which requires only one form of identification,
19 there were about under 400 voters who were unable to
20 cast -- were -- cast a provisional ballot for lack
21 of identification and were counted.

22 Now, the problem in Arizona was not so
23 much the documentation, but -- as much as the
24 implementation of the law. For example, Karen
25 Lucero (phonetic), a police officer and registered



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1 Republican, was forced to cast a conditional
2 provisional ballot, but -- because her driver's
3 license listed a different address than the voter
4 rules. She had consistently moved. And when she
5 tried to cast a ballot, when the demands from job
6 (inaudible) to transfer county to show additional
7 I.D., her vote was not counted.

8 We have a few other examples in
9 (inaudible) testimony, but another one was Georgia
10 Morrison. And Georgia Morrison Flores was a
11 newlywed when she registered to vote and registered
12 under her married name. Despite her status,
13 unable -- the eligible status she was unable to cast
14 her regular qualified ballot. So these were the
15 type of situations we found in Arizona.

16 We are strongly cautious about a voter
17 I.D. bill without the proper safeguards, and this
18 Senate Bill 362 doesn't have those safeguards in
19 place right now. So for those reasons we're in
20 opposition to the bill. And we're open for
21 questions. We'd love to discuss this further with
22 the Committee.

23 VICE CHAIR PENA: Thank you,
24 Mr. Figueroa. I have a question.

25 Earlier did you hear the testimony from



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1 the Vice-President of the Young Democrats?

2 LUIS FIGUEROA: I did.

3 VICE CHAIR PENA: Listening to her
4 testimony, I was concerned about the similar
5 problems that migrant students may have. You
6 know, where I -- where I live in South Texas, and
7 many other parts of Texas, we have migrants that you
8 have all around the country. Could you address
9 that --

10 LUIS FIGUEROA: Absolutely.

11 VICE CHAIR PENA: -- and how that
12 would -- any problems that they may encounter.

13 LUIS FIGUEROA: Absolutely. And so
14 the initial problem is whether they have the initial
15 documentation, whether they will have the utility
16 bill or state identity document. Many of those
17 migrant students or migrant families may not have
18 that documentation. They may not have a driver's
19 license. But even if they did, the address on the
20 identity documents may not match what's on the voter
21 rolls. What we found in Arizona, which did not
22 require under the status that the address match, but
23 was through regulation through the administrative
24 procedure required some type of address match, many
25 people were unable to cast a regular ballot and were



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1 disenfranchised. This would -- exactly [sic] is
2 what would occur for someone who moves a lot and
3 people who have different names. We know that
4 Latino names typically have varying names. For
5 example, Beatrice Avila after marrying Jose Verez
6 (phonetic), it would not be atypical for her to add
7 Verez to her last name and, therefor, her last name
8 wouldn't match the voter registration name on there.

9 So these kind of technical issues in name
10 matching, address matching, is where we see the
11 potential for -- for disenfranchisement.

12 VICE CHAIR PENA: Representative.

13 REPRESENTATIVE BROWN: The -- all
14 these that you say their votes were not counted and
15 they were disenfranchised, have you removed the
16 numbers from that -- from those that were found to
17 be illegal or non-residents or felons or for some
18 reason they were not qualified to vote?

19 LUIS FIGUEROA: Right. So in these
20 situations the conditional provisional ballot is
21 someone who was otherwise eligible to vote in terms
22 of their name being on the list, but they didn't
23 have the proper identification, and so they were
24 given a conditional provisional ballot which would
25 separate specifically for people with lack of



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147

1 identification. So --

2 REPRESENTATIVE BROWN: Those

3 people --

4 LUIS FIGUEROA: Do we know --

5 REPRESENTATIVE BROWN: -- only for --

6 LUIS FIGUEROA: That's right. Do we
7 know for sure that those were all legitimate voters?
8 We don't. But we do know that was the reason why
9 they couldn't vote.

10 CHAIRMAN SMITH: Any other questions,
11 Members? Thank you, Luis. Appreciate it.

12 CHAIRMAN SMITH: At this time the
13 Chair calls Mary Opitz representing herself,
14 testifying in favor of Senate Bill 362. Come on
15 down.

16 MARY OPITZ: (Inaudible).

17 CHAIRMAN SMITH: We'll see.

18 MARY OPITZ: Okay.

19 CHAIRMAN SMITH: Please state your
20 name and who you represent.

21 MARY OPITZ: Sure. My name is Mary
22 Opitz, and I'm from Plano, Texas, Collin County, and
23 I am representing myself. I'm a life-long Democrat
24 who is in favor of this bill.

25 Had it been in effect I believe last



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148

1 spring I wouldn't have witnessed some of the
2 violations that I did see.

3 I thank the Committee for this opportunity
4 to present some information.

5 I had four items. I don't think time will
6 prevent [sic] me to -- to mention the four, but I'll
7 try to get through three.

8 CHAIRMAN SMITH: Mention as many you
9 can, and we'll ask about the others.

10 MARY OPITZ: Thank you. I appreciate
11 that.

12 CHAIRMAN SMITH: I've been asked to
13 have you pull the microphone a little closer to your
14 mouth.

15 MARY OPITZ: Okay. Like this?

16 CHAIRMAN SMITH: Yes.

17 MARY OPITZ: Thank you.

18 Excuse me. The -- the one claim I hear
19 from Democratic leaders is that this bill -- or,
20 excuse me, there have been no legal cases of fraud
21 that have been prosecuted, but I'm aware of one case
22 in Collin County that was narrowly prosecuted. It
23 was a result of the primary election last spring.
24 Charges were leveled against an individual for
25 having voted in Collin County when they resided in



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149

1 Dallas and -- actually lived in Dallas County. The
2 D.A. took this information to the Grand Jury and was
3 going to indict this individual until the word came
4 from the Attorney General's office not to go forward
5 because residency is fuzzy. And I understand that
6 this bill doesn't necessarily address the residency
7 issue.

8 UNIDENTIFIED REPRESENTATIVE:

9 (Inaudible).

10 MARY OPITZ: Oh.

11 UNIDENTIFIED REPRESENTATIVE:

12 (Inaudible).

13 MARY OPITZ: I guess I'm too
14 soft-spoken. Sorry. Anyway, the --

15 CHAIRMAN SMITH: Unlike most
16 Democrats I know.

17 UNIDENTIFIED REPRESENTATIVE: Oh.

18 UNIDENTIFIED REPRESENTATIVE: Oh.

19 MARY OPITZ: In other words, someone
20 who does not live in a precinct can vote there,
21 because they may have an intention of one day living
22 there. That was the word that came down. And so
23 the whole thing was dropped.

24 As a result, there was a great deal of
25 precinct shopping, as documented in a 100-page



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150

1 challenge that I and a few other people put together
2 to take before the State Democratic Credentials
3 Committee. Our challenge was sustained by the
4 Committee, but there was no remedy that they would
5 offer. And so as a result, people who cheated the
6 system got away with it.

7 And I should have given some background.
8 I have worked elections as well as a clerk, and so
9 I'm familiar with the process. And I'm not going to
10 get to very many of these. But I participated in my
11 own precinct's Democratic Convention on election day
12 last spring. I served on the county's Credentials
13 Committee. And because of this I not only witnessed
14 events firsthand, I was also privy to situations
15 that occurred in my county. I was part of the group
16 that I just mentioned, filed this 100-page
17 challenge. We also spoke to the temporary
18 Democratic credentials and I -- when it held a
19 hearing in Grand Prairie, Texas for north Texas
20 counties. And it was a hearing much like this. It
21 went 13 hours. We didn't testify until 11:00 p.m.
22 And during those 13 hours we heard similar issues
23 brought forward from Tarrant, Dallas, Denton and
24 Collin Counties. Anyway, so that was kind of the
25 background for this -- this challenge.



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151

1 I have with me documentations. Anyway,
2 I'll stop. If you have any questions about any of
3 the things --

4 CHAIRMAN SMITH: Members, any
5 questions of Ms. Opitz? Any questions, Members?

6 MARY OPITZ: Okay.

7 UNIDENTIFIED REPRESENTATIVE:
8 (Inaudible).

9 CHAIRMAN SMITH: Yeah. Let --

10 MARY OPITZ: I'm sorry?

11 CHAIRMAN SMITH: There's only time in
12 terms of the microphone. You do --

13 REPRESENTATIVE BROWN: Please finish
14 your sentence at least.

15 CHAIRMAN SMITH: Take another 30
16 seconds. Yeah. Thank you.

17 MARY OPITZ: Two really quick items.
18 One is Precinct 25 there were documented 22 people
19 who were ineligible to vote in that precinct, and
20 they -- their votes were counted. One of those
21 individuals signed in with the first name I believe
22 of Jerry, no last name, no address. The Credentials
23 Committee chose not to discard that. And, you know,
24 to me that's a fraudulent vote and it cast out other
25 voters as well as the two. But to have a single



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1 first name and have that go through was, to me,
2 totally unacceptable.

3 One case that's very personal to me, I
4 have a daughter who has special needs. She has
5 cognitive impairment. My husband and I have legal
6 guardianship for her. I think it would be very easy
7 for someone to register her name, get her voter
8 registration card and vote in her place today. And
9 so I would ask you to please protect her rights and
10 the voting rights of numerous other citizens with
11 her condition or in similar situations.

12 The one other point that I would like to
13 make is last spring -- or excuse me, last summer in
14 July the Democratic party initiated a Committee to
15 study the convention/caucus process. It was headed
16 by Senator Royce West (phonetic) of Dallas. And in
17 that kickoff meeting, Boyd Richie (phonetic), the
18 Democratic Chair, in his remarks to the Committee
19 said, "It should be hard for people to participate."
20 He was actually defending a process which in many
21 cases precludes people from voting. If he really
22 thinks it should be hard for people to exercise
23 their franchise, then I don't believe he can say
24 that this particular bill presents an onerous burden
25 for those same people. It's been --



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153

1 CHAIRMAN SMITH: At this point --

2 MARY OPITZ: Okay.

3 CHAIRMAN SMITH: -- to be fair to all
4 the witnesses, I'm going to have to stop.

5 MARY OPITZ: All right.

6 CHAIRMAN SMITH: Otherwise, it would
7 be unfair to the other witnesses.

8 MARY OPITZ: I thank you for your
9 time.

10 REPRESENTATIVE VEASEY: One question.

11 CHAIRMAN SMITH: Representative
12 Veasey.

13 REPRESENTATIVE VEASEY: What were you
14 saying about Chairman Richie again? What -- would
15 you repeat that?

16 MARY OPITZ: Yes. The purpose of
17 this Committee hearing -- or this Committee of the
18 Democratic party was to study the convention caucus
19 process and they held hearings throughout the State.

20 REPRESENTATIVE VEASEY: Right.

21 MARY OPITZ: But the kickoff hearing
22 was in July here in Austin. And at that time --

23 REPRESENTATIVE VEASEY: I'm on that
24 Committee.

25 MARY OPITZ: Okay. Boyd Richie and



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154

1 the legal counsel both identified that there were --
2 there was evidence that rules and laws weren't
3 followed in the precinct conventions. But what
4 really caught my eye and seems hypocritical to me is
5 the contention that this bill presents an onerous
6 burden for the same individuals that it's well
7 documented the conventions provide a hardship on.
8 And he said that it should be hard for people to
9 participate in the conventions. The elderly, people
10 with shift work, people with young children, people
11 who are in the military and perhaps deployed cannot
12 participate in those. And did -- he did not see
13 that that was a particular onerous burden or a
14 problem. And I think that that's just inconsistent
15 that you can hold -- that the conventions are not a
16 burden and --

17 REPRESENTATIVE VEASEY: I -- I --

18 MARY OPITZ: Okay.

19 REPRESENTATIVE VEASEY: -- know the
20 Chairman very well and sat in on those committees.
21 I don't remember him making any sort of statement --

22 MARY OPITZ: I don't think you were
23 there, but I do have it on film. I taped his
24 conversation.

25 REPRESENTATIVE VEASEY: -- I don't



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155

1 remember him making any statements like that. And
2 you may have misunderstood his comments or --

3 MARY OPITZ: That may have been the
4 case. That may have been the case, but I don't
5 believe so.

6 REPRESENTATIVE VEASEY: Thank you.

7 CHAIRMAN SMITH: Chairman would like
8 to indicate for the record that Dr. Alan has joined
9 us.

10 Any other questions, Members, for this
11 witness?

12 REPRESENTATIVE BROWN: Just one
13 question.

14 CHAIRMAN SMITH: Ms. Brown.

15 REPRESENTATIVE BROWN: Did you attend
16 either the State or Democratic Convention?

17 MARY OPITZ: I did, but I was a
18 delegate. I was a volunteer working the Democratic
19 Convention and --

20 REPRESENTATIVE BROWN: So you saw the
21 delegates as they came in?

22 MARY OPITZ: Yes.

23 REPRESENTATIVE BROWN: Did they have
24 to present a photo I.D. to enter for the convention?

25 MARY OPITZ: Yes, ma'am.



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156

1 REPRESENTATIVE BROWN: Thank you.

2 That's interesting.

3 MARY OPITZ: Oh, I'm sorry. Excuse

4 me. Am I dismissed?

5 CHAIRMAN SMITH: Any other questions
6 of this witness, Members? I think you're dismissed.

7 MARY OPITZ: Okay.

8 CHAIRMAN SMITH: Thank you very much.

9 MARY OPITZ: Thank you for your time.

10 CHAIRMAN SMITH: You bet.

11 UNIDENTIFIED REPRESENTATIVE:

12 Chairman?

13 CHAIRMAN SMITH: Yes.

14 UNIDENTIFIED REPRESENTATIVE: It's my
15 understanding we had varied -- took a few witnesses
16 so -- because of the connection to last night. Can
17 we switch back and let some of these Members lay out
18 their bill so that they can go on to their other
19 committees --

20 CHAIRMAN SMITH: Not at this time.
21 We'll engage about discussions about doing that, but
22 I -- I need to understand what we're doing before we
23 do that, if that's okay.

24 UNIDENTIFIED REPRESENTATIVE: Okay.

25 Okay.



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1 CHAIRMAN SMITH: At this time the
2 Chair calls Doug Bell, who represents himself and is
3 testifying against Senate Bill 362.

4 DOUG BELL: Thank you very much. My
5 name's Doug Bell, and I am representing myself. I'm
6 also here to speak on behalf of homeless people and
7 working poor. And my credentials in that area are
8 that I have started and worked in a -- a homeless
9 shelter in downtown Austin for the past ten years.
10 So I'm here to tell you how this bill will affect
11 the folks that are working poor and homeless.

12 First of all, working people -- working
13 poor people and homeless people do want to vote.
14 Many of them very interested in state and local
15 elections. A lot of them are proud veterans, as a
16 matter of fact, who want to participate in their --
17 in their political process, because they've served
18 their country. They have a right to vote. And if
19 bureaucratic roadblocks keep them from the polls,
20 then they feel like they've been unfairly excluded.

21 Now, you asked earlier, Representative
22 Smith, if there was anybody that doesn't have any of
23 the things on that list. Yes, there are. A lot of
24 these folks do not have any of those things. And
25 you might ask why is that. Well, several reasons.



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158

1 First of all, if you carry everything that you own
2 in a backpack, there's a good chance that's going to
3 get stolen if you fall asleep somewhere. And that
4 does happen a lot. So we have individuals on a
5 regular basis who do not have any I.D. Believe me,
6 they want to have I.D., not particularly because
7 they want to vote, but because they want to get a
8 job, and they want to find a place to work. And so
9 it is a problem with -- with them, and we help those
10 folks try to get I.D.s.

11 And so what I'm here to tell you about is
12 how hard it is to actually get an I.D.

13 On the back page of what I passed out is a
14 sheet on this blue sheet that we pass out to all the
15 homeless folks that say they want to get an I.D. and
16 it describes how to do that. And the bottom line on
17 it, since I have limited time, is that it typically
18 takes them from six to ten weeks to be able to get a
19 photo I.D. because of the process they have to go
20 through. If they're lucky and were born in Texas,
21 then they can get a birth certificate fairly
22 quickly, but it cost \$23, so that's a deterrent
23 right there. So you talked about possibly having
24 free photo I.D. That doesn't solve the free birth
25 certificate problem. So because they can't afford a



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1 birth certificate, they can't afford to even go get
2 a free photo I.D. So that would be a problem that I
3 would see with the way the bill's written right now.

4 We do try to get those folks registered to
5 vote, and we did a lot of that during this past
6 election cycle. And there, you know, you fill out
7 an application, and you sign it saying that you're a
8 citizen and that you're able to vote. And a lot of
9 those did that. If we had to say to those people,
10 "Well, come back when you've gotten your birth
11 certificate and when you've gotten your photo I.D.
12 and then we'll sign you up to register -- register
13 to vote," that would be a problem. So, anyway,
14 these folks do definitely have a burden, and they
15 will be disenfranchised by this bill. So I
16 recommend you vote against it. Thank you.

17 CHAIRMAN SMITH: Just a question --
18 quick question. I mean, you -- you cite the example
19 of the guy who has a backpack that was stolen just
20 before the election. And I'm presuming, you know,
21 that you're talking about, by and large, someone
22 who's homeless, sleeping on the street, something of
23 that effect?

24 DOUG BELL: Right. Or living in
25 shelters, right.



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160

1 CHAIRMAN SMITH: Everything they've
2 got is in a backpack?

3 DOUG BELL: Right.

4 CHAIRMAN SMITH: And I guess the only
5 way that we address that problem of that identifying
6 individual [sic] is to have no identification
7 requirements whatsoever and simply allow people to
8 go in the polls and say, "I am so and so," and if
9 the name matches a name to the rolls let them vote
10 without any documentation of any kind. That's the
11 only way to address that concern you're expressing.

12 DOUG BELL: And I'm not advocating
13 that. What I'm saying is at least --

14 CHAIRMAN SMITH: Are there any
15 identification requirements that -- that might be
16 presented to that guy who everything he owns is in a
17 backpack and it is stolen within a few days before
18 an election, is in trouble?

19 DOUG BELL: Well, he might not be
20 able to afford to get to -- a photo I.D. He might
21 be able to afford to get a birth certificate. But
22 today he can afford to get a voter registration
23 card. So that may be the only thing he has. In
24 fact, that's one of the forms of I.D. we tell them
25 to get first is voter registration, because it is



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1 free.

2 CHAIRMAN SMITH: But under current
3 law, current law, if that voter registration is
4 stolen within a certain number of days before the
5 election before he has an opportunity to go get a
6 copy of it, he's in trouble. Right?

7 DOUG BELL: That's right. But what
8 I'm saying is it takes -- they often go for months
9 and months without any of those other
10 identifications because they can't afford to do it.

11 CHAIRMAN SMITH: So in light of the
12 fact that you're concerned about present
13 requirements, I take it that you do not agree with
14 the card or (inaudible) recommendations in terms of
15 enhancing security of our polls in general?

16 DOUG BELL: I'm not familiar with
17 what those rules are exactly. I don't know.

18 CHAIRMAN SMITH: Okay. Any other
19 questions, Members? Yes. Representative Bohac.

20 REPRESENTATIVE BOHAC: You said that
21 during this last election -- (inaudible) last
22 election you went out to try to help homeless people
23 register to vote. Is that right?

24 DOUG BELL: Yes, sir.

25 REPRESENTATIVE BOHAC: That's



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1 certainly a laudable goal. But I just have some
2 practical questions.

3 How would you help them go vote after they
4 got their card and what address would you use to
5 have their card mailed to?

6 DOUG BELL: You use the address of
7 the shelter. And so we have probably, oh, easily
8 100 people who use the address of the shelter. And
9 so when the card is mailed - we do have a mail
10 service for people, also - then we give them their
11 card. And if they are able to hold onto it, then
12 they're eligible to vote. And then we encourage
13 them to go to the polls. We tell them where the
14 polls are and that sort of thing.

15 REPRESENTATIVE BOHAC: Okay. I would
16 certainly believe and hope you all are going to help
17 them to -- or provide them with transportation or
18 something to help them go vote. I mean, if they're
19 homeless, transportation would probably be an issue.

20 DOUG BELL: It is. It is.
21 Transportation is an issue. We don't help with
22 transportation. We don't have the funds for that.
23 We used to, but funds are down these days, so we are
24 not able to give out bus tickets like we used to.

25 REPRESENTATIVE BOHAC: Okay. I



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1 was -- I was just curious, you know, about how the
2 process works.

3 DOUG BELL: Sometimes the polls are
4 close enough. You know, I mean, Trinity Center is
5 downtown, and there's facilities for early voting
6 anyway nearby. And they walk a lot, so they get a
7 way -- get around a lot that way.

8 CHAIRMAN SMITH: And I guess I just
9 want to make one follow-up comment. While I don't
10 believe we can develop our identification
11 requirements as a state around the horror story of
12 the homeless gentleman whose entire possessions are
13 in a backpack that is stolen within a few days of
14 the election --

15 DOUG BELL: Uh-huh.

16 CHAIRMAN SMITH: -- I do understand
17 and am sympathetic to the fact that even that guy
18 under those circumstance has a constitutional right
19 to vote.

20 DOUG BELL: Uh-huh.

21 CHAIRMAN SMITH: And I think that
22 there has been discussion today from Buck Wood and
23 other -- other Members about how even that
24 individual, that worst-case scenario, that -- that
25 horror story could be allowed to cast a provisional



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164

1 ballot which, under a variety of mechanisms so long
2 as that individual is able to establish that they
3 are who they say they are within a reasonable period
4 of time --

5 DOUG BELL: Uh-huh.

6 CHAIRMAN SMITH: -- would have their
7 vote counted anyway, even under the worst horror
8 story that you could imagine in testifying today.
9 And I -- I -- I just want to make it clear that --
10 that -- that even though I think that's an extreme
11 example that is almost never going to occur, that
12 guy still has a constitutional right to vote, and
13 we're going to be trying to find a way to make sure
14 that his vote is counted to the extent that he is
15 who he says he is, and that is a legal United States
16 voter.

17 UNIDENTIFIED REPRESENTATIVE:

18 Representative (inaudible).

19 DOUG BELL: Free birth certificates
20 would help.

21 CHAIRMAN SMITH: What's that?

22 DOUG BELL: Free birth certificates
23 would help.

24 CHAIRMAN SMITH: We're going to
25 consider every possibility. We have to consider



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1 fiscal notes, as well.

2 DOUG BELL: Right.

3 CHAIRMAN SMITH: I think we could
4 balance cost and principles here.

5 Yes. Representative.

6 REPRESENTATIVE BROWN: Would you give
7 me a ballpark figure of the -- maybe the percentage
8 of people that you deal with that you're absolutely
9 not able to get them some kind of I.D.?

10 DOUG BELL: Yes, ma'am. I would say
11 that on a given day -- we see about 100 people a
12 day. And of those, we'll talk to, oh, you know, 15
13 or so that are trying to get an I.D. And so there
14 probably are somewhere in the neighborhood of
15 20 percent who have no I.D. at all on any given day.

16 So then we present them with this -- this
17 document that I showed you and try to help them
18 through the process. One of the first things we do
19 is we'll help them get a transcript from their high
20 school or their junior high. So that's one of the
21 forms of I.D. So we try to help them do that. We
22 try to get them a voter registration card, because
23 that's another form of I.D. that's on the list. And
24 we try to help them through the process. But
25 typically it will take them -- well, as I said in my



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1 report here, it takes six to ten weeks and costs
2 \$50. And the \$50 is usually the biggest problem.
3 But it takes a long time and a lot of determination,
4 you know, to get their I.D. So any given day,
5 probably 20 percent don't have any I.D. at all.

6 REPRESENTATIVE BROWN: I've been told
7 that if you get a -- with a voter registration
8 certificate you can get a driver's license. Is that
9 correct?

10 DOUG BELL: If -- if you -- no, I
11 don't think so. I think you have to have a birth
12 certificate.

13 REPRESENTATIVE BROWN: You have to
14 have other documentation?

15 DOUG BELL: Uh-huh. You have to have
16 two documents, and one of them would be a birth
17 certificate to do that and a Social Security card.

18 Typically what we cross, we -- while we're
19 helping them apply for birth certificate, we also
20 help them get their high school I.D. information.
21 That takes a few weeks. Once that comes in, we send
22 them to Social Security to get a Social Security
23 card, which is free. And then they can go down to
24 DPS and try to get either a Texas I.D., a photo
25 I.D., or a -- a driver's license. Mostly they get a



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167

1 photo I.D., because they don't drive.

2 REPRESENTATIVE BROWN: And -- and the
3 cost on it is?

4 DOUG BELL: I believe it's around 22,
5 \$25, I think, for the driver's license. The photo
6 I.D., I think, is 15. And that -- that's a big sum
7 for the folks that we deal with.

8 REPRESENTATIVE BROWN: How much of a
9 problem -- you showed me the sheet -- well, this
10 sheet right here that has all the instructions on
11 it.

12 DOUG BELL: Uh-huh.

13 REPRESENTATIVE BROWN: How much of a
14 problem is illiteracy among that population?

15 DOUG BELL: It's a big problem. And
16 another problem is reading glasses. We pass out
17 free reading glasses, the -- the kind you get at the
18 drugstore that are pretty cheap. We pass those out,
19 because people literally can't see the forms. We
20 help out with that. And illiteracy is another
21 problem. We help them fill out forms.

22 REPRESENTATIVE BROWN: Thank you.

23 DOUG BELL: Uh-huh.

24 CHAIRMAN SMITH: And you do
25 understand under the Senate bill the proposal is to



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1 provide people with a free photo I.D.?

2 I understand that some of the documents
3 that would be necessary to get the photo I.D. cost
4 money, but you've identified others that do not cost
5 money. Is that correct?

6 DOUG BELL: That's correct. But I
7 think you have to at least have that birth
8 certificate, which costs money. So I don't think
9 there's a free path even if the photo I.D. is free.
10 I don't think that's a free path.

11 CHAIRMAN SMITH: So you don't think
12 the Social Security card itself is sufficient?

13 DOUG BELL: You can't get that unless
14 you have the birth certificate.

15 CHAIRMAN SMITH: Okay. I will -- I
16 will -- I will look at that. I've got some
17 information back here that will answer those
18 questions.

19 Yes. Any other questions, Members?

20 Thank you very much.

21 DOUG BELL: Thank you. Thank you.

22 CHAIRMAN SMITH: Thank you for your
23 testimony.

24 At this time the Chair calls Stephan
25 Findley testifying on behalf of the Republican Party



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1 of Texas and also representing himself in favor of
2 Senate Bill 362.

3 Please state your name again and who you
4 represent.

5 STEPHAN FINDLEY: Steve Findley. I'm
6 the Senate Executive Republican Committeeman from
7 Senate District 1. More so than that, I'd like to
8 be here as the father of eight young Texans who I
9 have an innate desire to leave for them the State of
10 Texas in the same shape, if not better shape, than I
11 received it in. It's a very wonderful state, and
12 I'm proud to live in it.

13 As a nation, we have exported or stood
14 before the whole world and exported democracy and
15 said, "This is the model of government that will
16 bring prosperity to your people." We have actually
17 gone -- gone as far as tell them that one person
18 should have one vote in securing that democracy for
19 your people.

20 The voter fraud issue can be solved. We
21 can have 99.9 percent accuracy in this. We live in
22 a -- we live in a country where we don't have to use
23 the purple paint to make sure that we have one
24 person casting one vote. We can do it with
25 technology, a voter I.D. card. Senate Bill 362, I



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1 think, is a great step in the right direction toward
2 achieving this high integrity in the voting process.
3 I would encourage the Committee to advance it to a
4 full vote and bring it to fruition in the State of
5 Texas.

6 I would like to note that I read in the
7 paper this morning -- it's the -- the local Austin
8 paper; it's the front page about Bill 362. It said
9 that people of brown, black and elders would be
10 discouraged from voting because of pursuing a voter
11 I.D. card. Personally, I find that awkward in that
12 in the town I live in every day, I drive around with
13 lots of Hispanic folks driving their cars, lots of
14 black folks driving their cars. I have African
15 American friends that work with me, Hispanic friends
16 that work with me, and my parents are elder people,
17 75 and 73. And they all have made the effort to not
18 only go and pass the test, but they also go and
19 renew their driver's license. I don't see how
20 getting a voter I.D. card is going to be a huge
21 obstacle for our Hispanics and our blacks and our
22 elderly Texans.

23 Thank you for your time.

24 CHAIRMAN SMITH: Just -- just to be
25 fair to the witness who testified before, I did look



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171

1 up the process for getting DPS-issued I.D. cards,
2 and it requires you to issue a -- either a
3 government-issued photo I.D., which obviously if
4 you're getting for purposes of voting, you would --
5 you would have one, or a birth certificate and two
6 supporting documents.

7 So to the extent that we required every
8 voter in Texas to have a photo I.D., unless we
9 provided free birth certificates in addition to a
10 free photo I.D., then it would place a requirement
11 on those voters to pay anywhere from 22 to \$43
12 depending on whether they ordered the birth
13 certificate by mail or whether they got it in
14 person, et cetera. And just for the purposes of the
15 audience, this is something you need to be aware of.
16 That's one of the things that was addressed in the
17 Supreme Court opinion is that the poll tax that was
18 found unconstitutional in 1965 was \$1.50. On an
19 inflation-adjusted basis that's about \$10.

20 To the extent that you require voters to
21 obtain documents in the 20 to 40-dollar range --
22 now, this would only be a one-time purchase unlike
23 the poll tax where you had to pay it every time you
24 voted, but I think it does subject you to legitimate
25 concerns about economic barriers to the polls, which



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1 is why I have not been a proponent of the Indiana
2 law and why the Senate opted for a different version
3 which -- which allowed photo identification but also
4 provided a bypass, an alternative, to provide for
5 two photo -- two non-photographic identifications to
6 eliminate any legitimate concerns on the part of our
7 Democratic colleagues about any economic barriers to
8 the polls, which -- which I don't want to support.
9 Just -- just for some educational background for you
10 and for anybody else in the audience who may not be
11 aware of those facts.

12 Anybody else who has any questions?
13 Representative Heflin.

14 REPRESENTATIVE HEFLIN: Mr. Findley,
15 as to the issue of mail-in ballot fraud which seems
16 to be, from all the testimony we've heard, the area
17 where it's the highest concentration, just what --
18 what -- have you thought about what would help that
19 situation? That seems to be one area of fraud that
20 we -- we struggle with.

21 STEPHAN FINDLEY: Yes, sir. I've got
22 a couple of colleagues from Bowie County that will
23 testify before you shortly on this, and they're the
24 real experts at it.

25 I personally would like to see a special



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173

1 prosecutor appointed.

2 REPRESENTATIVE HEFLIN: Okay.

3 STEPHAN FINDLEY: And that person
4 could be summoned -- we all know that voter --
5 mail-in ballot voter fraud is going on, and in our
6 area it's not prosecuted. Although all the
7 documentation needed, signatures, spoiled ballots,
8 personal witnesses, everything you need there to
9 successfully prosecute this is available, it has not
10 been prosecuted because of the political
11 ramifications related to the prosecuting District
12 Attorney in that county.

13 If you had an independent special
14 prosecutor whose mission was to go and prosecute
15 individuals that were doing this kind of mail-in
16 fraud and word got around the State that they will
17 put you in the penitentiary for this, I think you
18 would see a 90 -- a 90 percent reduction in that
19 kind of activity.

20 REPRESENTATIVE HEFLIN: And -- and
21 this actually could be a regional-type thing. Would
22 you agree with me?

23 STEPHAN FINDLEY: Absolutely.

24 REPRESENTATIVE HEFLIN: He could have
25 ten counties to cover and actually would make it



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174

1 easier.

2 STEPHAN FINDLEY: Absolutely. Folks
3 show up with a gold badge and start taking testimony
4 under oath, you'll get to the bottom of these type
5 of problems very quickly.

6 CHAIRMAN SMITH: Representative.

7 REPRESENTATIVE BROWN: Thank you.
8 Thank you for your testimony.

9 I think that -- I wish there were some way
10 we would find -- we could have the numbers broken
11 down so that when we're talking about elderly who
12 could -- could possibly be disenfranchised --
13 disenfranchised, we could actually see the number
14 taken away that are already using mail-in ballots,
15 because actually none of the bills we're here to
16 discuss today are addressing the mail-in problem.
17 We're trying to take, as I said earlier, this first
18 baby step toward photo identification. But if we
19 could remove those who are, you know, using the
20 mail-in process and don't have to show any kind
21 of -- of I.D.

22 Also, if we could see those who are very,
23 very poor and are using a Lone Star card or
24 something of that nature who had to prove some way
25 their identity in order to qualify for their Lone



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175

1 Star card or their Medicaid, one of those, I -- I --
2 we haven't taken that into consideration in this
3 process.

4 It seems to me to -- to figure out just,
5 you know, how few or how many, that this -- this
6 would affect. And I'm not discounting those cases
7 that -- that the gentleman earlier talked about in
8 the shelter. We need to find a way to -- to address
9 that, too.

10 STEPHAN FINDLEY: On the way back to
11 Marshall tonight or tomorrow, I will not drive
12 120 miles an hour. I know it's against the law, and
13 I know they'll take me, put me in jail.

14 REPRESENTATIVE BROWN: Uh-huh.

15 STEPHAN FINDLEY: If we have
16 enforcement of the existing laws --

17 REPRESENTATIVE BROWN: Good point.

18 STEPHAN FINDLEY: -- that does not
19 tolerate this rampant voter fraud of mail-in ballots
20 and if word gets around the state that they'll put
21 you in the penitentiary for it --

22 REPRESENTATIVE BROWN: Uh-huh.

23 STEPHAN FINDLEY: -- you'll see this
24 practice diminish dramatically within a 24-month
25 period.



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176

1 REPRESENTATIVE BROWN: I think you're
2 right. We've had cases of -- of election fraud, not
3 necessarily what we're talking about, election fraud
4 in my county and it was taken all the way to the
5 Grand Jury. And you know, nothing was done, even
6 though they knew that it took place. And -- and
7 this actually was impersonation, come to think of
8 it. But I think you're right, that -- that people
9 don't have anything to fear from -- from doing these
10 things. And so that needs to be changed, too. They
11 need to realize it is serious. And I think that
12 we're sending a message that we take it seriously
13 when we -- when we require photo I.D.

14 STEPHAN FINDLEY: I have had the
15 privilege to travel around the world and see some
16 nations that don't have it as well as we do here in
17 the U.S. And I've come to understand that it is a
18 wonderful, wonderful, personal privilege to live in
19 a country like this.

20 REPRESENTATIVE BROWN: Every time I
21 say that I get (inaudible). But I consider it both.

22 STEPHAN FINDLEY: Taking the time to
23 position one's self to vote over a 20-month --
24 24-month period in that nation's operations is a
25 great privilege and a responsibility, as well. And



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177

1 that would be the message that I would hope we would
2 take forward as well is that everyone in this
3 country has a right to vote; do it responsibly and
4 enjoy the -- the privileges of this nation.

5 CHAIRMAN SMITH: Representative
6 Heflin? Sorry. I'm sorry. Representative, were
7 you done? I thought -- thank you.

8 REPRESENTATIVE HEFLIN: Mr. Findley,
9 just so you're aware, in the last election cycle we
10 had an amendment for creation of Election Integrity
11 Unit and also appointment of Special Prosecutor Unit
12 for this type of issue.

13 STEPHAN FINDLEY: Yes, sir.

14 REPRESENTATIVE HEFLIN: I'm going to
15 present those amendments again, and I would hope to
16 get support. And as a taxpayer -- now, this is
17 always a question we get. I personally think it
18 would be well worth the money spent, because I don't
19 think it would last long, just like you stated.
20 Once we nip it in the bud, I think it's going to go
21 away.

22 STEPHAN FINDLEY: Yes, sir.

23 REPRESENTATIVE HEFLIN: You think I'm
24 wrong?

25 STEPHAN FINDLEY: No. You're



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178

1 100 percent right on.

2 REPRESENTATIVE HEFLIN: Thank you,
3 sir.

4 STEPHAN FINDLEY: Thank you.

5 CHAIRMAN SMITH: Any other -- yes.
6 Any other members from the Committee, questions?
7 Representative Veasey.

8 REPRESENTATIVE VEASEY: Thank you,
9 Mr. Chairman. Are you here from Marshall?

10 STEPHAN FINDLEY: Yes, sir.

11 REPRESENTATIVE VEASEY: Okay. And
12 you know -- and luckily we're post that era, but you
13 know some bad things happened in Marshall during the
14 day.

15 STEPHAN FINDLEY: Yeah. And we just
16 recently elected our first African American 71st
17 District Judge, who I was the No. 1 private
18 supporter of. So some good things are happening in
19 Marshall.

20 REPRESENTATIVE VEASEY: Right. And
21 my family migrated, on my dad's side, from Marshall
22 to the Fort Worth area.

23 STEPHAN FINDLEY: Great.

24 REPRESENTATIVE VEASEY: So I'm
25 familiar with the Marshall area very well. But you



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179

1 know Jim Farmer, very famous civil rights activist
2 in the '50s and '60s, very close with Dr. King --

3 STEPHAN FINDLEY: Uh-huh.

4 REPRESENTATIVE VEASEY: -- he was
5 from the Marshall area. I don't know if you knew
6 that. He was --

7 STEPHAN FINDLEY: No, no. I do.

8 REPRESENTATIVE VEASEY: -- and
9 (inaudible) the great debaters. I don't know if
10 you've had a chance to see it. Great movie.

11 STEPHAN FINDLEY: Wiley -- what do
12 you call it?

13 REPRESENTATIVE VEASEY: Wiley
14 (inaudible).

15 STEPHAN FINDLEY: And --

16 REPRESENTATIVE VEASEY: And you
17 understand that -- because you understand history
18 and you understand Marshall, that the right to vote
19 is not a privilege. The right to vote is a right,
20 and it was earned. It was --

21 STEPHAN FINDLEY: It's a privilege
22 you can lose if you get caught doing felonious stuff.

23 REPRESENTATIVE VEASEY: Exactly. But
24 you understand it was a right that was --

25 STEPHAN FINDLEY: Sure.



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180

1 REPRESENTATIVE VEASEY: -- by those
2 individuals I just named?

3 STEPHAN FINDLEY: Sure.

4 REPRESENTATIVE VEASEY: And it was a
5 right that they died, bled for, thrown in jail for,
6 had dogs sicked on them for --

7 STEPHAN FINDLEY: Right.

8 REPRESENTATIVE VEASEY: -- had water
9 pressure hoses sprayed on them so they could have
10 that right to pass it down to generations past them
11 so they wouldn't have to go through that same --

12 STEPHAN FINDLEY: You bet.

13 REPRESENTATIVE VEASEY: -- situation.

14 STEPHAN FINDLEY: Have you ever been
15 to Arlington National Cemetery in Washington?

16 REPRESENTATIVE VEASEY: I have been
17 to Arlington National Cemetery.

18 STEPHAN FINDLEY: There, too, are men
19 and women of all ethnic races --

20 REPRESENTATIVE VEASEY: Absolutely,
21 but --

22 STEPHAN FINDLEY: -- that have earned
23 that same right.

24 REPRESENTATIVE VEASEY: Absolutely.
25 Since -- but since we're talking about the fact that



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181

1 this bill may have a disproportionate effect on some
2 of the folks like we just talked about that
3 Mr. Farmer and other people down in east Texas were
4 fighting very hard for, we want to make sure that we
5 don't revisit that, because --

6 STEPHAN FINDLEY: You bet.

7 REPRESENTATIVE VEASEY: -- because
8 just like you have eight kids, I have a
9 three-year-old. I don't want my son to have to, you
10 know, go through, and I'm glad that I didn't have to
11 go through, some of those same atrocities.

12 STEPHAN FINDLEY: You bet.

13 REPRESENTATIVE VEASEY: So what I'm
14 asking you today -- the questions that I'm asking
15 you today is that as a Republican --

16 STEPHAN FINDLEY: Yes.

17 REPRESENTATIVE VEASEY: -- as
18 somebody that doesn't want their kid to live through
19 it -- and I think it was Jim Lare (phonetic) that
20 did a great special about Marshall, Texas called
21 "Marshall, Texas" --

22 STEPHAN FINDLEY: Right.

23 REPRESENTATIVE VEASEY: -- you don't
24 want your kids -- your eight kids to have to live in
25 the old Marshall, Texas. You want them to live in



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1 the new Marshall, Texas.

2 Would you be supportive of amendment --
3 hold on. Let me ask my questions before you answer.

4 Would you be supportive of an amendment
5 that would allow individuals to vote, individuals
6 that live out in those Elysian Fields that may not
7 have a car, that may not be able to get around town
8 so easily as you can --

9 STEPHAN FINDLEY: Uh-huh.

10 REPRESENTATIVE VEASEY: -- would you
11 be willing to support an amendment that would make
12 sure that those folks that don't have an I.D. that
13 maybe was born and have different last names, you
14 know, like -- like everybody -- a lot of folks down
15 in Marshall that are related to me, their name is
16 V-A-S-L-E-Y and I'm V-A-S-E-Y [sic] because of
17 various things that happened. And some of those
18 folks aren't that old. Some of those folks are in
19 their 50s. To make sure that everybody, regardless
20 of if they had an I.D., if they are lawful and
21 they're not impersonating someone, that on election
22 day when they go to cast a ballot that people died
23 and bled for that they're vote would count on
24 election day?

25 STEPHAN FINDLEY: Three points --



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1 REPRESENTATIVE VEASEY: I just
2 want -- make your point.

3 STEPHAN FINDLEY: I'm going to.

4 REPRESENTATIVE VEASEY: Answer my
5 question. Do you want --

6 STEPHAN FINDLEY: I'm going to. I'm
7 going to answer all three of your inquiries. Okay?

8 REPRESENTATIVE VEASEY: One -- but I
9 just -- but just for the record, it would be great
10 if you could answer the question simply do you want
11 to make sure that everybody who is legally -- who
12 has a legal right to vote in this country and in
13 Marshall, Texas, has that right on election day, and
14 would you support an amendment to make sure --

15 STEPHAN FINDLEY: Well --

16 REPRESENTATIVE VEASEY: -- whether
17 they have an I.D. or not --

18 STEPHAN FINDLEY: Yes, sir.

19 REPRESENTATIVE VEASEY: -- to make
20 sure that their vote counts?

21 STEPHAN FINDLEY: Well, let me -- let
22 me answer in three points to you.

23 REPRESENTATIVE VEASEY: But you can't
24 answer in yes or no? You can't -- just simply just
25 as a basic human rights question, can you answer yes



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1 or no?

2 STEPHAN FINDLEY: One --

3 REPRESENTATIVE VEASEY: No. Okay.

4 STEPHAN FINDLEY: -- my old General
5 used to say I'm in violent agreement with you about
6 folks having the right to vote and the prosperity
7 for all of our children.

8 Two, I live in Elysian Fields and know a
9 lot of those people you're talking about.

10 Three, if they comply with the law, if
11 that's what the legislature puts forward, and have
12 the identification elements that 362 talks about,
13 yes, they get to vote. And even if they don't have
14 those elements, they get to cast a provisional
15 ballot which can count for them.

16 But for -- for folks to vote with no I.D.
17 whatsoever --

18 REPRESENTATIVE VEASEY: If they have
19 transportation to make it back down to the
20 courthouse from the Elysian Fields. And if they
21 don't have that transportation --

22 STEPHAN FINDLEY: No, no, no, no.

23 REPRESENTATIVE VEASEY: -- or can't
24 make it back in 48 hours, because they have to go
25 back and take care of their kids, you're saying you



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185

1 don't want their vote to count because --

2 STEPHAN FINDLEY: Well, see, again, I
3 know lots of people --

4 REPRESENTATIVE VEASEY: -- telling me
5 here today?

6 STEPHAN FINDLEY: I'm from Elysian
7 Fields, and what you're telling me doesn't hook up.

8 REPRESENTATIVE VEASEY: But I'm
9 telling you that my family --

10 STEPHAN FINDLEY: The folks that live
11 in Elysian Fields --

12 REPRESENTATIVE VEASEY: Uh-huh.

13 STEPHAN FINDLEY: -- have the
14 wherewithal --

15 REPRESENTATIVE VEASEY: Not all of
16 them.

17 STEPHAN FINDLEY: I find that hard to
18 believe.

19 REPRESENTATIVE VEASEY: Well, you
20 need to be a little more connected to your
21 community.

22 STEPHAN FINDLEY: Do you live in
23 Elysian Fields? Do you live in Elysian Fields?

24 REPRESENTATIVE VEASEY: No.

25 STEPHAN FINDLEY: I do.



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186

1 REPRESENTATIVE VEASEY: I've been
2 down there before.

3 STEPHAN FINDLEY: I know Elysian
4 Fields like the back of my hand.

5 REPRESENTATIVE VEASEY: I've been
6 down there before.

7 STEPHAN FINDLEY: I find it very --

8 REPRESENTATIVE VEASEY: I'm not going
9 to argue with you over a place that I've been
10 before --

11 STEPHAN FINDLEY: -- I find it very
12 much --

13 REPRESENTATIVE VEASEY: -- you may
14 live there, but --

15 STEPHAN FINDLEY: -- I find it very
16 (inaudible) that we're going to disenfranchise a
17 single vote --

18 REPRESENTATIVE VEASEY: You just said
19 that --

20 STEPHAN FINDLEY: -- in Elysian
21 Fields --

22 CHAIRMAN SMITH: Whoa, whoa, whoa.
23 I'm trying to let this go, but let's make sure this
24 is a question and answer format.

25 REPRESENTATIVE VEASEY: Right. And



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187

1 I -- and I just wanted to just find out from him --

2 CHAIRMAN SMITH: Yeah.

3 REPRESENTATIVE VEASEY: -- that he
4 wanted to make sure those folks could go back and
5 vote and make sure their vote would count --

6 STEPHAN FINDLEY: Ask a question --

7 REPRESENTATIVE VEASEY: -- if they
8 don't have an I.D. --

9 CHAIRMAN SMITH: Ask a question.

10 REPRESENTATIVE VEASEY: And so he's
11 telling me no. And that's all I need to know. I
12 don't need any more explanation.

13 I appreciate you coming down from east
14 Texas. Thank you very much.

15 STEPHAN FINDLEY: You bet.

16 CHAIRMAN SMITH: Is there any
17 question he asked that you didn't get an opportunity
18 to answer that you wish to?

19 STEPHAN FINDLEY: No. I think I made
20 myself perfectly clear that I am color-blind. I
21 look at content of character. And everybody that
22 complies with the law should have the right to vote.
23 Even if they don't (inaudible) required documents,
24 we still vote a provisional ballot. We are not
25 trying to exclude anybody. We are trying to ensure



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188

1 that every vote cast counts and is not
2 disenfranchised by a fraudulent vote. That's what
3 we're trying to do. It --

4 CHAIRMAN SMITH: Any other questions,
5 Members, for this witness? Thank you,
6 Mr. Findley --

7 STEPHAN FINDLEY: Thank you,
8 Committee.

9 CHAIRMAN SMITH: -- for your time.

10 At this time the Chair calls Mark Hester,
11 who is testifying on behalf of the Brain Injury
12 Association of Texas against Senate Bill 362. Would
13 you please state your name and who you represent.

14 MARK HESTER: Yes. I'm Mark Hester.
15 I'm a member of the Brain Injury Association of
16 Texas. I'm a -- I'm a board member. And one thing
17 I didn't want us to overlook is the fact that I'm
18 representing a group that I belong to by way of my
19 sometimes trait that's dis -- discriminated against,
20 and yet it's -- it's not always immediately evident,
21 and that is my brain injury.

22 Now, I -- my -- my -- my -- my fell --
23 fellow clients that I have just spent the last three
24 days with at our Brain Injury Association
25 Conference, you know, are -- are -- are befuddled



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1 sometimes by why it is that I'm able to attend and
2 share that -- to -- to try to keep myself especially
3 on track and not so prone to tangential discussions,
4 you know, heading that way or this way, that --
5 that -- which is the nature of my brain injury,
6 the -- a -- an organic variety. It's not due to
7 a -- a -- an impact or a physical trauma. It's a --
8 it's what they -- it's what folks impaired by a
9 disease process are affected or encumbered by.

10 And the reason I'm here in particular is
11 to share the fact that that organization has
12 membership like myself that are -- I think for the
13 most -- well, I say -- I'm going to say that for the
14 most part -- I -- I -- it would be -- it would be
15 almost impossible for me to believe that there was
16 some type of deliberate discrimination between
17 myself and my fellow citizenry, because we're like,
18 you know, everybody else that's living and breathing
19 the best that they can and that's to get the most
20 out of what life may yet have to offer them. And so
21 we -- we get an eminent charge -- and I'm saying
22 this, folks, just to emphasize the fact that we're
23 not -- the -- the group that I'm representing
24 doesn't have all of the medals and ribbons to
25 represent our successes in life like some folks are



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190

1 able to achieve. But I'll tell you right now we get
2 a charge out of being able to have our view
3 influence anything of the such where we can be
4 accounted for, taken into a certain degree of
5 measure. And -- and we -- it -- it's something that
6 we can do by being able to vote in an easier process
7 than what is being, as best as I can understand it,
8 a somewhat more restrictive process than what was
9 previously allowed. And -- and -- and -- and I --
10 I -- again, I don't think it is necessary -- I don't
11 think this -- this isn't an intentional
12 discriminatory move. It's just something that maybe
13 doesn't -- it -- it doesn't shine -- shine the --
14 the light beam at this issue as readily, because my
15 fellow citizenry that's likewise affected
16 cognitively, like I am sometimes, via short-term
17 memory or -- short-term memory impairment, not being
18 able to think about two different things at one
19 time, these are the kinds of things that everybody
20 takes for granted. But let me just share the fact
21 that it doesn't take much at all to confuse a
22 taken-for-granted process of going to this
23 particular place that you've gotten used to where
24 you will be able to exercise your right to have an
25 impact upon the society in which you live.



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191

1 And that's just got to be a -- a -- it --
2 it -- it's a charge for my fellow clients that they
3 desire so much, because, listen, there's few things
4 that they can automatically experience in a real
5 satisfying, grateful manner.

6 But I'll tell you from the get-go that
7 when I was treated in the brain injury
8 rehabilitation facility, I was a client until they
9 realized that this guy's got a Master's in health
10 and physical education and a minor in psychology,
11 and he taught middle school students and did that
12 for ten years, and then led a teacher organization
13 in his school district. And it -- it -- it was a
14 case of me having had a good bit of life
15 engagement -- engaging experiences that I've
16 benefited from as well as the charges that I came in
17 contact with and influenced, including, now, my
18 thousands of students that I made an impression on,
19 and they made an impression on me, via my ten years
20 in the public school. I was -- I was teaching and
21 coaching.

22 And so I -- and I know it's too late, but
23 my intent to make a long story short, if it's not
24 too late, is -- is to share with you that the -- the
25 group that I'm here today representing is just



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1 counting on the voting process to be one that they
2 can access without any additional restrictive
3 discriminatory hoops, reasons that they'll have to
4 tread through or jump or climb over, because, you
5 know, I've got fellow clients that I used to work
6 with who -- who were so gratified by just being
7 able -- that I shared with them the fact that, hey,
8 look, you -- you make a difference. You matter.
9 There's nobody that's going to take that away from
10 you. I mean, you -- you can go and lodge your
11 interest and desires at a polling place, and your
12 influence by doing so will have just as much of an
13 effect as, you know, King -- King Roy, which doesn't
14 exist, but that was my attempt at sharing the fact
15 that as -- as -- as small as they may think they
16 are, they are empowered to have as much sway or
17 influence by the --

18 CHAIRMAN SMITH: Mr. Hester.

19 MARK HESTER: Yes. I'm sorry.

20 CHAIRMAN SMITH: That's all right.

21 I hesitate to interrupt you. I have given
22 you several times the amount of time that the other
23 witnesses have.

24 MARK HESTER: Uh-huh.

25 CHAIRMAN SMITH: And I've done that



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1 on purpose because of the nature of your disability.

2 MARK HESTER: I sure appreciate it.

3 CHAIRMAN SMITH: And I want to give
4 the members of the panel an opportunity to ask you
5 some questions.

6 MARK HESTER: Thank you so much.

7 CHAIRMAN SMITH: And I want to ask
8 you a question or two. I want to make sure it's
9 clear I'm not cross examining you --

10 MARK HESTER: No, no.

11 CHAIRMAN SMITH: -- I want to give
12 you an opportunity to educate me about your
13 situation.

14 MARK HESTER: Certainly.

15 CHAIRMAN SMITH: How -- how -- how do
16 you currently vote?

17 MARK HESTER: How I do currently --

18 CHAIRMAN SMITH: When you go vote --

19 MARK HESTER: Uh-huh.

20 CHAIRMAN SMITH: -- what
21 documentation or identification do you use when you
22 vote?

23 MARK HESTER: I do whatever I happen
24 to have in my clothing that day.

25 CHAIRMAN SMITH: Okay.



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194

1 MARK HESTER: And so I usually have
2 my wallet and all of its contents.

3 (End of Volume 1.)
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JA_006676

TX_00033818

1 IN THE COUNTY OF TRAVIS)

2 STATE OF TEXAS)

3 I, Rhonda Howard, Certified Shorthand
4 Reporter in and for the State of Texas, hereby
5 certify to the following:

6 That the CD entitled, "Texas House of
7 Representatives Committee on Elections, 4-7-2009,"
8 was transcribed at the request of Anne Wilson, 209
9 West 14th Street, Attorney General's Office, Austin,
10 Texas 78701, and the amount due is
11 \$_____.

12 That the aforementioned CD was transcribed
13 to the best of my ability to hear and understand the
14 CD;

15 That the transcript was submitted by
16 E-trans on April 16, 2012, to Anne Wilson, 209 West
17 14th Street, Attorney General's Office, Austin,
18 Texas 78701;

19 I further certify that I am neither
20 counsel for, related to, nor employed by any of the
21 parties or attorneys in the action in which this
22 proceeding was taken, and further that I am not
23 financially or otherwise interested in the outcome
24 of the action.
25



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1 Certified to by me, this 16th day of
2 April, 2012.

3
4 Rhonda Howard



5
6 RHONDA HOWARD, Texas CSR No. 4136
7 Expiration Date 12/31/12
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A				
AARP	absolutely	activity	53:12 65:10	112:12
28:3 102:13	31:24 71:2	173:19	174:16	agency
103:4	117:6	actual	administr...	96:8 98:17
ability	128:16	39:21 43:2	145:23	101:16
9:5 52:23	145:10,13	85:6 95:9	adopt	agenda
77:22	165:8	99:10	104:15	4:19
103:12	173:23	110:13,17	adopted	aggressive
195:13	174:2	add	54:14	87:13 88:1
able	180:20,24	58:21 118:14	adult	aggressively
8:14 9:15	accept	146:6	92:2 119:18	79:13
15:23 18:15	45:25 71:10	addition	advance	ago
23:22,25	acceptable	93:14 110:12	41:18 170:3	15:1 22:13
24:1,6	33:21 95:24	113:21	adversely	22:18 47:17
27:25 30:10	98:15 115:9	114:7 171:9	104:14	62:20
30:22,23,23	115:11	additional	advocating	125:14
31:3 32:7,9	access	9:3 27:16	160:12	126:8
34:7,18	51:4 53:13	87:13	Affairs	agree
35:15 36:2	54:10 87:12	100:15	85:5	6:19 45:25
36:11 37:6	88:10	144:6 192:2	affect	46:12 49:24
38:22 44:1	142:14	address	18:9 48:2	50:14 58:6
71:25 72:1	192:2	12:8 34:18	97:2 157:10	65:18 87:8
72:7,9	accidentally	40:3,4	175:6	90:5 96:14
73:15 74:20	56:5	66:20 91:25	affidavit	128:14
77:3 88:7	accomplished	94:14,25	56:22	131:22
92:10 94:10	14:7	97:9,12,13	affirmation	133:24
95:9 101:15	accounted	97:14 98:7	11:22	161:13
105:24	190:4	98:9 103:16	affirmative	173:22
111:7,12,16	accuracy	104:6,19	87:12 88:1	agreed
112:5,24	169:21	106:22	Affirmati...	41:18 121:9
113:2 125:9	accuse	110:6	113:5	agreement
135:6,15	134:1	119:18	afford	184:5
141:9	accused	128:10,11	158:25 159:1	ahead
158:18	133:15,20	133:22	160:20,21	141:5,24
159:8	134:4,6	144:3 145:8	160:22	Aikman
160:20,21	achieve	145:19,22	161:10	81:12,13
162:11,24	190:1	145:24	aforement...	ain't
164:2 165:9	achieving	146:10	195:12	91:7
182:7 189:1	170:2	149:6	afraid	aisle
190:1,2,6	ACORN	151:22	75:9	69:6
190:18,24	20:5 59:4,15	160:5,11	African	Alan
192:7	68:7,16	162:4,6,8	170:14	155:8
absent	81:5,16	175:8	178:16	ALISEDA
113:17	Act	addressed	afternoon	110:22
absentee	91:18	171:16	3:25 7:17,23	alive
19:12,14	action	addresses	60:24 90:18	115:18
23:11,19	195:21,24	110:10	age	allay
57:18 94:6	activist	114:20	23:20 73:15	51:9
	179:1	addressing		



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allegations 63:6,21	alters 10:18	114:25	103:11	193:2
allow 5:14 6:7,8 14:10 15:19 23:24 34:25 38:3,6 41:19,20 75:3,5 99:22 101:4 101:7 102:18 103:20 105:6 107:25 160:7 182:5	amazingly 61:25 Amen 135:23 amended 55:12 113:11 amendment 8:11 177:10 182:2,4,11 183:14 amendments 123:22 177:15 America 90:13,23 American 142:3 170:15 178:16 Americans 63:20,21 amount 4:10 67:8 77:5 192:22 195:10 amounts 114:13 analysis 46:17 Anchia 7:7,9,10 16:17,18 17:9,15,23 18:4,18,21 19:12 20:4 20:8,22 21:3,7,10 21:14,20 22:2 28:18 33:3 108:25 109:4,5,10 109:14,24 110:25 111:3,11,15 111:19,22 112:1,8,18 113:5,8,19	115:8 116:2 116:5,10,17 117:4 127:25 130:7,8,18 130:21 131:6,8,21 131:25 132:10,15 132:23 135:12 Andrew 53:5 and/or 92:25 94:16 Angelina 94:18 Anglo 63:20 Anne 195:8,16 answer 73:10 78:13 109:15 116:3 121:24 139:6 140:3 168:17 182:3 183:4 183:7,10,22 183:24,25 186:24 187:18 anticipate 42:4 Antonio 19:17 24:21 142:7 anybody 4:6 6:6 14:16 26:17 28:7 29:7,8 57:25 70:20 71:3 73:15 79:21 88:6 100:21 101:2	108:18 122:4 123:15,16 124:16,18 133:14 134:1 157:22 172:10,12 187:25 anymore 15:18 73:2 79:20,21 anyway 57:13 129:4 149:14 150:24 151:1 159:13 163:6 164:7 appear 99:17 appeared 69:7 application 49:19 75:5 84:24 159:7 applied 84:24 applies 23:21 apply 166:19 appointed 86:3 173:1 appointment 177:11 appreciate 68:21 80:15 82:11,20 88:23 105:13 118:16 125:1 130:25 147:11 148:10 187:13	appreciated 123:7 approach 8:13 approaches 8:15 appropriate 78:10 87:1 April 1:3,15 195:16 196:2 area 13:25 24:8 31:22 56:18 88:6 128:7 157:7 172:16,19 173:6 178:22,25 179:5 areas 18:7 70:20 85:9 argue 50:16 186:9 argument 15:13 46:1,7 46:10,10,13 arguments 108:13 Arizona 22:21 142:16 142:18,20 142:23 143:22 144:15 145:21 Arlington 180:15,17 Armstrong 2:4 82:13,15 82:16 85:16 85:21 87:16 87:18 88:17 88:21,22 89:5 90:1,4



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90:7,9,10	16:3 79:14	58:11 74:5	badge	37:12,13
article	192:14	77:22 113:9	174:3	39:7 48:15
58:1	attend	116:10,12	Baker	57:18 62:23
articles	24:6 93:20	127:17	83:2 85:14	67:6,9,12
138:16	155:15	148:21	86:7	68:1 74:14
asked	189:1	171:15	balance	74:16 76:1
37:20,21	attending	172:11	105:10 165:4	76:15,19
45:23 50:19	113:22	177:9	ballot	77:3,11
56:25 83:12	attorney	awkward	12:14,23	132:2 136:7
148:12	13:7 23:4	170:11	14:11 15:21	142:14
157:21	28:20 30:18	A.G	15:22 23:11	143:14,17
187:17	120:15	30:11	25:22 27:23	173:7
asking	142:3 149:4		29:11,12,12	174:14
9:20 34:14	173:12	B	29:14,20	175:19
35:25 76:10	195:9,17	B	30:7 34:5	ballot's
181:14,14	attorneys	101:16	34:16,17	75:6
asleep	50:8 195:21	117:15	36:12,14,18	ballot-by...
158:3	atypical	baby	37:6,25	73:6,11
aspects	146:6	128:15	38:9 45:1	ballpark
11:6	audience	174:18	47:4,7,8,11	165:7
assertion	3:21 10:12	back	47:15,20	barrier
92:15	41:1,7 42:2	12:15 19:16	48:18 49:20	108:14
assist	60:5,22	25:21 29:10	50:14 52:13	barriers
25:10 78:9	67:1 85:25	31:12 32:17	62:15 66:19	171:25 172:7
79:14	87:6 171:15	42:23 43:22	68:3 74:10	based
Association	172:10	47:22 54:24	75:25 79:10	8:3 80:23
119:6,12	Austin	69:1 73:13	86:22,22	142:9 143:7
188:12,15	3:17 92:3	97:10	94:6 128:12	basic
188:24	93:21 95:1	126:11	128:13	136:11
assume	97:14 98:6	133:2	130:12	183:25
76:13 85:25	101:7	135:21	143:6,20	basically
89:22 112:3	153:22	156:17	144:2,5,14	35:10 46:19
assure	157:9 170:7	158:13	145:25	basis
64:6 103:15	195:9,17	159:10	146:20,24	39:20 43:24
Athens	196:8	168:17	164:1	68:14 74:21
13:17	automatic...	175:10	172:15	77:4 82:5
Atlanta	191:4	184:19,24	173:5	158:5
53:6	available	184:25	182:22	171:19
atmosphere	76:7 80:6,7	186:4 187:4	184:15	Baylor
135:5	118:2 173:9	background	187:24	111:13
atrocities	average	150:7,25	ballots	beam
181:11	116:8	172:9	12:19 16:10	190:14
attached	Avila	backpack	18:22 19:13	Beatrice
118:7	146:5	158:2 159:19	19:14 24:11	146:5
attain	avoidance	160:2,17	24:15,15	Bee
125:7	22:5,7	163:13	26:9,21	67:25
attempt	aware	bad	27:3,5,17	Beeville
	8:9 33:25	53:7 178:13	29:15 30:4	67:25



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befuddled	164:5, 19, 22	5:6, 9 6:15	135:2, 10	136:6
188:25	165:2, 10	6:17, 21, 25	142:5, 19, 23	191:14
beg	166:10, 15	6:25, 25 8:7	144:17, 18	black
121:22	167:4, 12, 15	9:7, 9 10:8	144:20	123:8, 9
beginning	167:23	10:12, 14, 17	145:16	170:9, 14
54:24	168:6, 13, 21	10:18 11:14	147:14, 24	blacks
behalf	belong	12:12 13:8	148:19	170:21
6:8, 9 157:6	19:21, 22	14:8, 9	149:6	Blanco
168:25	188:18	15:14 17:10	152:24	23:4
188:11	belongs	18:16, 19	154:5	blasted
believe	103:4	19:9 20:19	156:18	50:2, 4, 9
8:23 12:18	benefit	24:25 31:8	157:3, 10	bled
13:14, 19	42:2	34:18 37:12	159:15	180:5 182:23
14:7 39:9	benefited	37:16, 18	167:25	block
44:14, 15	191:16	50:21 51:14	169:2, 25	23:12
55:22, 23	benefits	52:21 53:1	170:8 181:1	Bloomington
56:15, 22, 23	142:12	53:11 55:1	188:12	97:21
57:17 58:9	best	55:7, 7	billfold	blue
59:24 72:2	72:5 76:11	62:24 65:9	129:20	137:20
76:11 77:1	128:22	66:1, 20	bills	158:14
84:3, 3 89:6	142:14	71:13 80:8	4:1, 11, 12, 20	board
89:7, 14	189:19	82:13, 17	4:25 6:23	20:18 188:16
98:21 99:21	190:7	83:12 85:20	7:12, 20 9:5	Bob
100:1	195:13	90:14 93:11	22:8 72:15	13:23
106:11, 25	bet	94:23 96:23	113:11	bogus
115:5	14:22 50:18	98:14 99:2	174:15	136:16 138:3
132:11	119:1	99:7, 8, 22	bill's	138:9, 13, 23
133:10, 21	156:10	100:16	159:3	139:4, 25
138:7	180:12	102:10, 15	biometrics	Bohac
147:25	181:6, 12	102:15	137:15	3:8 10:5
151:21	187:15	107:24	bipartisan	65:18 68:24
152:23	better	108:16	82:24 83:11	68:25 69:12
155:5 158:5	62:20 96:14	109:17, 20	84:5 87:15	69:24 70:7
162:16	169:10	111:4, 8, 24	88:7	71:9 73:22
163:10	Bexar	112:6	birth	74:3 75:11
167:4	84:22, 22	113:20	83:8 92:25	75:16 130:1
185:18	beyond	115:3	117:18	161:19, 20
189:15	8:14 78:6	117:10, 16	158:21, 24	161:25
believing	big	118:8 119:7	159:1, 10	162:15, 25
24:18	21:10 49:24	119:13	160:21	bond
Bell	64:25 132:1	120:25	164:19, 22	22:23
2:9 157:2, 4	132:5 167:6	121:1, 2, 8	166:11, 16	Bonnen
157:5	167:15	121:10, 12	166:19	3:8, 9 33:15
159:24	biggest	121:15, 23	168:7, 14	33:15, 16
160:3, 12, 19	131:18, 18	127:10, 16	171:5, 9, 12	34:10, 13, 24
161:7, 16, 24	166:2	127:18	bit	35:4, 8, 13
162:6, 20	bill	129:6, 8	16:19 19:7	35:19, 24
163:3, 15, 20	4:17, 19 5:5	130:10, 16	88:5 112:9	36:4, 9, 15
		134:19		



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37:1, 9, 17	107:6	134:14, 16	40:17, 20	bunch
38:1, 5, 10	125:19	134:21, 24	41:16 42:10	59:17 120:18
38:13, 16	129:3	135:4, 18, 23	42:14 43:3	burden
39:14, 19	169:16	136:18, 22	43:7, 12, 15	73:18 152:24
40:9, 18, 24	170:4	136:25	44:5, 9, 13	154:6, 13, 16
41:2, 5, 9, 13	brings	137:7, 12	44:20 45:5	159:14
42:7, 11, 25	135:21	146:13	45:11, 19	bureaucratic
43:5, 11, 13	broad	147:2, 5	46:14, 16, 25	157:19
43:17 44:18	40:15 112:19	151:13	47:2, 12, 24	bus
45:3, 9, 18	broke	155:12, 14	49:15, 22	162:24
45:21 46:15	91:7	155:15, 20	50:10 51:11	business
46:21	broken	155:23	53:19 54:19	4:15, 16 6:23
117:13	174:10	156:1 165:6	55:2, 6, 11	10:7 20:11
book	Brooks	166:6, 13	55:15, 17, 25	20:11 21:18
69:3, 7 70:9	64:10	167:2, 8, 13	56:8, 12, 20	button
border	Brothers	167:22	57:8, 19, 23	122:7
61:8 64:9	116:15, 16	170:9 174:7	59:10 61:1	buy
137:11	brought	175:14, 17	61:6, 14, 20	19:22
born	28:18 75:22	175:22	61:24 62:4	buying
13:16 117:20	112:2 126:7	176:1, 20	62:12, 17, 19	74:6
158:20	130:25	Buck	63:1, 9, 23	bypass
182:13	134:18	2:3 11:25	64:1, 6, 14	172:4
bothered	150:23	13:6, 9, 12	64:22 65:3	
79:17	brown	13:13, 13, 16	65:11, 16	C
bottom	3:10, 11 12:3	17:8, 14, 22	66:13, 22	California
52:12 158:16	12:7, 21, 25	17:25 18:5	67:14, 18, 22	21:24
174:4	13:4 54:22	18:20, 23	68:9, 12, 20	call
bouncing	54:23 55:4	19:14 20:6	69:10, 14, 25	3:3 70:3
7:21	55:10, 13, 16	20:10 21:1	70:10 71:19	99:5 179:12
Bowie	55:19 56:2	21:5, 9, 12	73:3, 10, 12	called
172:22	56:10, 19	21:16, 21	74:1, 8 75:9	3:2 20:5, 6
Boyd	57:4, 10, 22	22:6, 14	75:12, 19	82:24
152:17	58:11 60:6	23:15 24:14	76:6, 16	181:20
153:25	88:20, 23	25:6, 8, 12	77:13, 16, 21	calls
brain	89:22 90:2	25:20, 23	78:12, 17	10:7 13:6
188:11, 15, 21	90:5 103:3	26:3, 15	79:16 80:1	82:12 90:12
188:24	103:22, 24	28:2, 5, 9	81:15, 20	119:5
189:5 191:7	104:2, 5	29:13, 23	82:3, 6	141:22
breathing	124:23, 25	30:9 32:19	132:22	147:13
189:18	125:3, 18, 22	32:24 34:2	163:22	157:2
brevity	126:2, 6, 10	34:12, 20	bud	168:24
105:20	127:2, 7, 11	35:2, 6, 9, 17	177:20	188:10
bright	127:15, 20	35:21 36:1	build	cameras
105:3, 3	128:4, 8, 14	36:7, 13, 20	31:1	67:2
bring	128:19	37:4, 15, 19	bullet	Cameron
36:2 91:13	129:9, 15, 19	38:2, 8, 12	134:8, 12	61:8 64:8
92:17, 20	129:24	38:15 39:12	Bullock	camp
93:3, 10	130:3	39:16 40:8	13:23	



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62:5	129:20,22	148:21	163:4	61:2,10,17
campaigns	137:17	152:3 155:4	certain	61:23 62:3
92:7	152:8	155:4	14:4,10	62:11,14,18
campground	160:23	191:14	31:15 39:1	62:21 63:2
20:13	161:14	cases	52:4 79:5	63:18,25
campus	162:4,5,9	16:11 17:10	102:14	64:4,13,17
114:20	162:11	61:5,7	103:18	65:2,8,15
canceled	165:22	102:10	106:13	66:12,16,23
123:19 136:1	166:17,23	116:12	123:4 161:4	77:6,9,15
candidate	168:12	120:1,2,14	190:4	77:18 82:12
62:7	169:25	126:14	certainly	90:12
candidates	170:11,20	132:8	6:7 9:1 48:3	106:10
15:25 16:6	174:23	148:20	61:20 68:9	119:5 120:4
45:15 47:25	175:1	152:21	76:12 99:24	141:20,22
48:4 49:12	cards	175:6 176:2	100:1	142:2
49:21 61:11	51:6 65:18	cast	123:14	144:23
74:22 88:25	84:9,10	11:2 34:16	125:11,22	145:3,11
canvassed	98:9 114:22	77:4,5,12	131:2 162:1	146:12
48:23	121:18,19	78:2 79:10	162:16	147:13
capacity	171:1	84:4 86:21	193:14	152:18
120:5	care	86:25 94:6	certificate	157:2
Capitol	68:16 79:20	123:17,18	84:9,9 92:25	168:24
7:16	123:12	143:5,13,16	117:18	188:10
car	124:13	143:20,20	158:21,25	Chairman
21:22 79:2	184:25	144:1,5,13	159:1,11	3:1,15 7:8
182:7	carefully	145:25	160:21	7:13,24 8:1
card	51:20	151:24	166:8,12,17	8:5,22 9:16
11:9,11	Carolina	163:25	166:19	9:21,24
21:23 26:2	112:17	182:22	168:8,14	10:1,3
32:1 37:22	114:19	184:14	171:5,13	11:19,21
50:18,20,22	carried	188:1	certificates	12:5,16,24
50:25 51:2	95:10 127:16	casting	164:19,22	13:1,5,11
51:5 65:19	127:18	169:24	171:9	13:15 16:13
65:22,24	carry	caucus	certifica...	22:10 33:14
72:13,19	65:21 72:13	153:18	2:12 84:8	33:15 40:22
83:6,7 84:9	72:15,16	caught	Certified	40:25 41:4
86:12 92:18	158:1	33:9,13	195:3 196:1	41:6,10,14
92:20 96:3	carrying	154:4	certify	41:17 42:8
96:10 97:24	72:12 110:18	179:22	195:5,19	46:23 54:21
98:1,16	cars	cause	cetera	60:4,7,18
99:16,23	170:13,14	118:20	171:14	60:23 66:25
102:19,19	Carter	cautious	chair	68:23 71:13
102:20	83:1 85:14	144:16	3:7 7:7 8:9	75:20 76:9
105:5	86:8	CD	9:7,25 10:2	76:24 77:6
106:15	case	195:6,12,14	10:4,4,6	77:8,19,25
120:10,11	46:19 81:5	Cemetery	11:15,20	78:1,16
121:21	111:10	180:15,17	12:2 13:6	79:7,23
129:11,13	114:18	Center	13:10 60:24	80:11,17



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82:10 85:13	154:20	119:18	citizen	clerk's
85:17,22	155:7,7,14	changed	14:24 33:8	5:12 48:14
87:17,20	156:5,8,10	9:17 29:12	115:9,16	74:15 75:14
88:18 90:8	156:12,13	31:9 75:24	159:8	client
90:11,20	156:20	92:1 176:10	citizenry	36:3,5 191:8
91:1 93:8	157:1	changes	189:17	clients
93:18,23	159:17	10:16	190:15	188:23 191:2
94:2,9	160:1,4,14	changing	citizens	192:5
95:12 96:25	161:2,11,18	94:18	15:4 16:4,8	climb
97:4,25	163:8,16,21	character	23:3 63:24	192:4
98:3,6,13	164:6,21,24	187:21	63:25	clings
98:21 99:3	165:3	charge	102:14	97:9
99:12,18,21	167:24	189:21 190:2	112:11	close
100:6	168:11,15	191:2	126:18	49:13 163:4
101:19,23	168:22	charges	133:19	179:2
102:4,12,17	170:24	148:24	152:10	closeness
102:23	174:6 177:5	191:16	citizenship	83:15
103:1,7,22	178:5,9	chasing	14:23 84:11	closer
103:23	186:22	89:3	117:20,22	83:16,16
104:8,12,22	187:2,9,16	cheap	civil	89:13,14
105:1	188:4,9	167:18	142:8 179:1	148:13
106:10,11	192:18,20	cheated	claim	closest
106:20	192:25	150:5	148:18	142:18,22
107:2,19	193:3,7,11	check	claimed	closing
108:7,23	193:15,18	70:6 116:1	15:3	75:21
109:2,6	193:20,25	checked	clarify	clothing
116:19	Chairman's	120:19	57:15	193:24
117:5,6	119:12	children	class	club
118:13,23	Chairwoman	154:10 184:7	91:18	20:25 21:2,4
119:1,4,10	126:13	choice	clear	coaching
119:16	130:14	76:13	35:14 37:10	191:21
121:1,25	Chair's	choose	38:7 40:11	coat
122:3,10,12	5:11 119:6	88:9	57:17 60:9	118:19
124:22	challenge	chose	67:4,8	code
126:3	34:14 150:1	151:23	72:20 77:20	98:11
127:13	150:3,17,25	chunk	100:7	cognitive
130:6 134:3	challenged	96:22	104:12	152:5
134:13	22:17	circle	114:15,16	cognitively
140:20,25	challenging	36:10,19	164:9	190:16
141:1,4	37:14	circumscribe	187:20	collateral
142:2	chance	72:5	193:9	87:14
147:10,12	158:2 179:10	circumstance	clearly	colleagues
147:17,19	change	163:18	59:20 76:3	172:7,22
148:8,12,16	10:24 33:23	circumsta...	130:13	college
149:15	95:13 100:9	7:1	clerk	90:13,23
151:4,9,11	100:14	cite	3:2,4,6,8,10	91:17
151:15	104:16	159:18	3:12 70:8	110:23
153:1,3,6	113:23		150:8	
153:11,14				



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112:10,23 112:23 115:5,9,10 116:13 Collin 147:22 148:22,25 150:24 Colorado 91:12 112:17 114:14 color-blind 187:20 come 9:12 12:10 12:15 15:6 15:7 18:15 27:6 28:10 32:20 43:21 46:5 63:10 68:25 96:13 97:7,10 122:4 134:10 139:3 147:14 159:10 176:7,17 comes 28:23 29:10 58:17 61:16 64:20 80:1 96:16 166:21 coming 141:3 187:13 comment 38:22 41:20 42:12,15 45:22,23 53:3 134:17 163:9 comments 88:24 155:2 commission 82:24 83:5 83:11 85:15 86:3 87:9	87:15 88:12 Commissioner 20:18 commit 81:2,12 committee 1:2 3:1,22 4:23 5:1,4 5:6 6:15,19 6:20 7:15 7:18 8:1,8 9:4,11,11 10:10 13:10 14:3 16:16 47:5 54:8 54:15,16 73:9 75:22 80:12 82:19 82:24 86:10 88:14 95:15 100:12 102:7 104:9 105:13 109:19 110:16 117:9 122:4 122:5 133:22 139:4 142:11 144:22 148:3 150:3 150:4,13 151:23 152:14,18 153:17,17 153:24 170:3 178:6 188:8 195:7 Committeeman 169:6 committees 4:2 7:15,19 7:20 154:20 156:19 Committee's 103:15 committing	123:24 commonly 117:16 commonsense 131:13 communities 124:4 community 62:6,7 63:4 63:19 108:5 124:3,6,10 185:21 compared 45:16 85:6 comparisons 45:2,4 complaints 121:7 completely 105:1 complicate 104:22 complication 100:15 complies 187:22 comply 6:11 78:11 184:10 comprehen... 9:12 compromise 124:10 concede 46:13 conceding 103:19 104:14 concentra... 172:17 concepts 54:13 concern 40:2 53:13 76:5 79:22 79:24 96:25 110:10,13	130:15,22 160:11 concerned 51:12 53:22 65:25,25 145:4 161:12 concerns 84:25 103:14 171:25 172:6 concluded 83:2 concurrently 94:19 condition 152:11 conditional 143:13 144:1 146:20,24 Conference 188:25 confession 58:16 confidence 83:21,25 135:21 conflicting 110:10 confuse 190:21 confusion 117:12 118:19 congrats 114:11 Congress 196:8 conjunction 86:12 connected 185:20 connection 156:16 consensus 88:8 100:12 100:13	consequences 114:3 125:9 consider 57:1,5 96:19 113:24 164:25,25 176:21 considera... 175:2 considered 19:1 considering 45:8 102:8 consistently 144:4 constituents 127:25 constitut... 163:18 164:12 constrained 8:13 construct... 131:1 contact 16:3,7 27:11 27:12,14 30:23 48:9 48:11 52:18 52:20 191:17 contains 98:16 content 187:21 contention 154:5 contents 194:2 contest 27:19 34:15 38:11 48:13 64:7 67:25 contests 13:24 14:16 14:22 15:2 17:20 22:18
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



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24:9 25:14	correction	143:21	97:7 105:21	151:22
28:22	92:12	144:7	106:2 110:4	157:7
continue	correctly	146:14	114:2	creditabi...
42:9 112:16	17:16,17	151:20	117:19	136:6,13
continued	101:13	164:7,14	119:6,12	creeps
114:9	corruption	counties	120:4	134:7
control	63:7	27:4 80:5	130:23	crimes
20:14 22:23	cost	150:20,24	144:6	58:24
136:19	93:2 107:12	173:25	147:22	critical
137:2	107:14,17	counting	148:22,25	51:18
controver...	108:14	192:1	149:1	criticism
93:3	115:20	countries	150:15	30:11
convention	117:22,25	137:1	172:22	crooks
150:11	121:14	country	173:12	23:2
153:18	138:14	22:19 45:10	176:4 195:1	cross
155:16,19	142:12	49:8 84:2	county's	166:18 193:9
155:24	158:22	111:1	150:12	crowd
conventions	165:4 167:3	136:12	county-wide	4:7
154:3,7,9,15	168:3,4	137:10	20:17	Crystal
conventio...	costs	141:13	couple	64:10
152:15	107:13,15	145:8	67:5 69:1	CSR
conversation	117:18,21	157:18	90:19	1:15 196:6
109:12	166:1 168:8	169:22	172:22	cure
154:24	counsel	176:19	course	25:25 26:8
convinced	142:17 154:1	177:3	41:20 63:13	26:13,20
71:3	195:20	183:12	137:19	27:24 29:11
convincing	count	counts	Court	cured
71:2	27:5,6 32:8	123:16	19:6 46:18	26:11,17
cooperation	66:14 67:9	183:20	96:18	32:17
135:5	72:9 79:18	188:1	171:17	curing
copy	86:22 143:6	county	courthouse	26:8
161:6	182:23	19:8,9,17	61:3,4 79:9	curious
correct	184:15	20:13,14,16	184:20	33:17 139:5
12:18 35:20	185:1 187:5	20:17 21:23	cover	163:1
38:20 61:13	counted	21:24 22:23	173:25	current
61:16 73:11	14:6 15:9	23:4 24:20	covered	10:18,22,24
73:13 76:15	16:9,11	31:11 48:11	111:24	12:20 36:5
85:21 90:1	26:23 27:1	48:12 49:5	create	84:7 92:5,5
104:7	27:17 28:16	49:5 51:14	79:8 100:14	92:19 94:9
108:12	29:20 36:8	51:14 56:16	105:3,6	94:12 95:17
110:1,23	52:16 72:23	58:14 61:8	created	95:18 96:20
111:1,25	76:4 78:3	62:23 64:8	97:18	97:20 100:9
112:6,7,13	79:15 87:3	64:8 67:25	creates	100:14,16
137:12	115:15	79:10 84:22	104:17	101:9
166:9 168:5	124:11	92:6,11	creation	104:16,17
168:6	138:23	93:24 94:7	177:10	104:19
corrected	139:12,16	94:10,17,19	credentials	107:3
75:2	143:10,14	94:19,21	150:2,12,18	109:25



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143:17	149:21	8:16,23	26:25 115:14	62:14
161:2,3	150:11	decision's	136:23	designated
currently	165:11,12	8:21	169:14,18	10:20,21
91:24 93:20	165:15	declare	Democrat	11:2
94:2 105:20	166:4	119:18	50:3 126:13	designed
107:3	170:12	decreased	147:23	16:22 87:25
193:16,17	178:14	62:22,23	Democratic	desire
cut	182:22,24	defended	136:25	75:23 169:9
42:21,22	183:13	69:5	148:19	191:3
137:22	193:24	defending	150:2,11,18	desires
cycle	196:1	152:20	152:14,18	192:11
159:6 177:9	days	Defense	153:18	desk
D	12:14 26:7	142:4	155:16,18	5:12
dad's	26:10,11,12	deficiencies	172:7	despite
178:21	26:16 27:8	26:14	Democrats	94:13 144:12
daily	39:10,17	deficiency	50:3 84:6	determina...
74:21	67:7 79:5	26:1	90:13,13,23	166:3
Dallas	80:10 126:3	defined	90:24	determine
24:21 31:11	126:8 143:9	17:17 39:1	127:25	16:7 89:8
149:1,1	143:10	101:25	135:6 145:1	determined
150:23	160:17	definitely	149:16	108:1
152:16	161:4	105:12	denied	determines
damaging	162:23	159:14	30:4 123:5	101:10
66:6	163:13	definition	Denny	deterrent
Dan	188:24	93:6,6	127:8	158:22
130:14	dead	definitions	Denny's	develop
Danberg	120:19	16:21	127:6,16,18	163:10
126:3,12,21	deal	degree	Denton	device
Danberg's	16:22 22:3	50:16 86:14	150:23	5:13
130:14	80:14	88:7 190:4	Department	died
database	130:25	Del	11:8 96:4	180:5 182:22
31:1	149:24	61:7	106:16	difference
date	165:8 167:7	delayed	dependents	37:23 61:22
83:7 96:6	debate	121:3	114:6	95:16 192:8
97:20,22	141:18 142:9	delaying	depending	different
98:11	debaters	120:24	6:25 101:25	4:12 36:11
106:18	179:9	delegate	103:9	45:14,14
196:6	Debra	155:18	171:12	46:3 57:11
daughter	126:3,12	delegates	deployed	69:9 80:24
58:2 152:4	decade	155:21	154:11	91:16 104:6
day	25:5	deliberate	DEPOSITION	106:23
19:15 32:18	decades	189:16	196:7	109:25
38:20 39:16	73:7	delineation	depositions	110:16,19
51:1 74:15	deceased	92:22	22:19	117:10
79:9 80:8	58:1,3 84:23	demands	describes	119:22
94:8 97:10	decide	144:5	158:16	129:6,7
100:13	5:4 113:23	democracy	description	144:3 146:3
	decision		7:4 10:11	172:2



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182:13	discrimin...	77:2	171:21	166:24
190:18	188:19	district	187:23	DPS-issued
difficult	discrimin...	50:8 169:7	dogs	171:1
22:16 50:20	189:16	173:11	180:6	Dr
89:7 110:7	discrimin...	178:17	doing	82:15 88:21
121:8	190:12 192:3	191:13	13:24 14:15	155:8 179:2
dilemma	discuss	diverse	26:20 30:8	draft
23:13	144:21	124:5,7	40:21 41:24	5:3
diligently	174:16	Division	47:2 59:4	drafted
14:18	discussed	13:21	59:15 60:3	51:20
diminish	106:8	doctor	70:12,25	dramatically
175:24	discussing	24:5 73:20	108:16	175:24
direct	43:18,21	document	156:21,22	dress
6:14	discussion	96:8 100:22	173:15	116:15
direction	38:19 86:2	100:25	176:9	drive
170:1	100:8	101:1,3,6	179:22	33:10 59:14
director	104:23	108:23	192:12	94:4,7
13:21	106:7	115:22	domicile	167:1
dirty	130:12	145:16	93:12 95:2	170:12
64:19 66:19	163:22	165:17	113:23	175:11
dis	discussions	documenta...	dormitory	driver's
188:19	121:10	93:1,5	117:18	17:12 37:21
disability	124:13	100:11	dorms	51:22 52:2
193:1	156:21	101:11	102:9	72:18 88:3
disabled	189:3	143:5,23	double	91:24 92:21
23:22	disease	145:15,18	67:7	93:14 94:14
disagree	189:9	160:10	doubt	94:16,20,24
56:12 99:1	disenfran...	166:14	58:3 81:22	96:2,21
disagreeing	39:18 91:15	173:7	131:19	105:25
87:18	123:15	193:21	Doug	106:12,14
disappears	186:16	documenta...	2:9 157:2,4	106:24
58:17	disenfran...	151:1	157:5	107:4,15
discard	115:6 123:5	documented	159:24	111:6,12,16
151:23	143:7 146:1	149:25	160:3,12,19	112:5,22
discounting	146:15	151:18	161:7,16,24	119:19
175:6	159:15	154:7	162:6,20	121:17
discouraged	174:12,13	documents	163:3,15,20	129:14,25
170:10	188:2	12:9,13	164:5,19,22	144:2
discrepan...	disenfran...	100:20	165:2,10	145:18
117:11	114:9 115:11	109:9	166:10,15	166:8,25
discrepancy	146:11	112:20	167:4,12,15	167:5
95:1 97:15	dismissed	115:20	167:23	170:19
97:17	156:4,6	116:23,24	168:6,13,21	drives
117:23	displaying	117:15	downtown	82:7
discretion	84:3,4	118:1,2	157:9 163:5	driving
41:24 105:2	dispropor...	145:20	down-to-e...	170:13,14
105:7,9	114:12 181:1	166:16	131:13	dropped
	distingui...	168:2 171:6	DPS	95:22 114:4



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DEPOSITION SOLUTIONS

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149:23 drugstore 167:18 Duane 40:5 due 39:7 44:2 77:12 189:6 195:10 Dunnam 7:24,24 8:6 duplicate 84:15,19 D.A 31:17 58:14 120:15 149:2 D.A.s 50:1 58:22	easy 134:6 139:7 152:6 economic 171:25 172:7 educate 15:6,7 89:25 193:12 educating 71:17 education 31:8 32:13 37:8 66:2 71:12,20 78:25 121:11 124:15 191:10 educational 65:17 66:2 142:4 172:9 effect 147:25 159:23 181:1 192:13 effective 67:21 effects 126:23 efficiency 6:3 effort 28:14 65:17 68:7 121:13 123:14 170:17 efforts 58:23 66:2 124:14 eight 62:20 169:8 181:8,24 either 10:25 11:3 19:10 57:5 59:18 74:2 115:24	129:23 132:12 137:25 155:16 166:24 171:2 elder 170:16 elderly 48:9,16 78:24 85:1 126:17 154:9 170:22 174:11 elders 170:9 elect 20:16 elected 16:1 138:6 178:16 election 10:17 14:16 14:22,25 15:2 16:2 17:20 19:15 22:18 24:9 24:18 25:13 27:19 28:22 29:5,19 31:4 33:24 39:4 45:14 45:15 46:5 48:13,21 51:1,13 53:24 59:3 61:13 63:14 64:7 69:21 70:18 78:18 79:9 80:8 82:25 84:14 84:23 86:4 86:5 87:2 89:15 91:6 91:21 94:8 94:22 95:6 96:17 120:3	120:4,7,7 120:20 128:6 136:3 136:6,13,14 136:16 138:4 148:23 150:11 159:6,20 160:18 161:5,21,22 163:14 176:2,3 177:9,10 182:21,24 183:13 elections 1:2 3:2 11:12 13:21 13:24,25 15:15 18:9 22:23 30:21 39:3 45:7 45:13 53:24 61:21 82:23 83:15,16 89:1,13 126:4,13 128:22 136:20 137:1 143:11 150:8 157:15 195:7 electoral 83:22 electric 34:18 52:21 72:15 102:15 elects 20:16 elements 184:12,14 eligible 30:24 59:5 59:18,24	62:8 82:8 112:25 115:9 144:13 146:21 162:12 eliminate 172:6 else's 84:8 Elysian 182:6 184:8 184:20 185:6,11,23 185:23 186:3,20 em 91:2 eminent 189:21 emphasize 189:22 employed 195:20 empowered 192:16 encounter 145:12 encourage 32:15 40:12 41:23 162:12 170:3 encouraging 54:3 encumbered 189:9 enforced 75:10 enforcement 30:10 175:16 engage 130:11 156:21 engagement 191:15 engaging
E				
earlier 42:1,5 43:21 57:16 84:20 96:5 106:17 144:25 157:21 174:17 175:7 early 3:24 4:1 6:24 18:12 25:4 133:18 163:5 earned 179:20 180:22 easier 22:15 50:17 58:25 67:13 134:5 174:1 190:6 easily 162:7 182:8 east 24:20 49:6 62:1 181:3 187:13				



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191:15 enhance 87:10 enhanced 88:9,10 enhancement 32:14 enhancing 161:15 enjoy 177:4 enormous 31:21 ensure 15:9 83:3 187:25 enter 53:8 155:24 entertain 8:2 entire 48:23 163:12 entitled 23:24 30:20 56:15,17,23 58:10 195:6 era 178:12 error's 83:18 Escapee 20:10 Escapees 20:7,8,9,14 21:18 22:22 especially 23:19 70:19 89:13 101:8 105:13 189:2 ESQUIRE 196:7 essentially 32:8 establish 164:2 et	171:14 ethnic 180:19 Europe 65:21 evening 4:15 7:17,23 events 150:14 everybody 5:23 20:18 22:20 42:1 54:1,5 60:19 65:19 65:24 87:5 128:21 133:22 141:12 182:14,19 183:11 187:21 189:18 190:19 everybody's 62:5 124:11 evidence 122:23 132:3 154:2 evident 188:20 evidents 51:6 exact 5:7 exactly 70:11 99:12 109:23 113:6 116:4 146:1 161:17 179:23 examining 193:9 example 11:7 58:19 58:19 93:13 143:24 146:5	159:18 164:11 examples 81:6 91:20 95:4 113:24 144:8 exception... 38:25 excited 70:2 exclude 187:25 excluded 157:20 excuse 17:3 23:19 23:19 24:3 24:3 73:14 88:17,18 133:3 135:7 148:18,20 152:13 156:3 Executive 169:6 exercise 141:9 152:22 190:24 exhaustive 10:11 exist 18:6 47:10 67:23 89:4 89:21 192:14 existing 175:16 exists 18:6 132:2 expand 87:11 experience 44:14 59:11 59:11,12 80:23 191:4 experiences 191:15 expert	3:23 81:21 140:6,17 experts 86:3 172:24 expiration 97:20,22 98:11 99:5 99:6 196:6 expired 96:4,5,10 106:17,17 explain 10:8 12:11 20:9 33:20 36:16 105:19 117:14 explains 34:11 explanation 11:13 71:10 187:12 explicit 97:15 explore 47:18 export 136:23 exported 169:13,14 expressing 9:17 160:11 expression 60:11 extent 5:23,25 9:1 9:2,3,6 16:25 75:23 86:11 100:8 101:8 103:13,17 104:18 105:9 107:4 108:12 164:14 171:7,20 extreme 164:10	extremely 51:19 eye 154:4 E-trans 195:16 <hr/> F <hr/> face 60:10 114:3 facial 60:11 facilities 163:5 facility 191:8 fact 4:20 7:18 15:14 18:6 29:19 39:20 43:24 45:6 46:18 54:4 66:9 72:12 72:12 78:15 88:11 93:4 94:13 98:4 98:9 104:24 108:4 110:7 114:7,18 115:13,17 124:12 140:17 157:16 160:24 161:12 163:17 180:25 188:17 189:11,22 190:20 192:7,14 factors 46:4,7,11 facts 40:13 172:11 fail 86:20 fails
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12:9	feeling	159:6 167:21	178:23	fiscal
fair	127:5	filled	179:3,7,11	118:7 165:1
46:15 153:3	feels	55:14	179:15,21	five
170:25	124:16	film	179:25	6:5 26:10
fairly	fell	154:23	180:3,7,12	50:24 67:7
10:11 101:5	188:22	finally	180:14,18	92:4 143:9
158:21	fellow	44:16 138:6	180:22	143:10
fake	188:23	financially	181:6,12,16	five-year
120:10	189:17	195:23	181:22	86:16 87:4
fall	190:15	find	182:9,25	fix
158:3	191:2 192:5	7:2 16:4	183:3,6,15	91:7
familiar	felonous	19:6 23:13	183:18,21	flat
85:25 108:21	179:22	30:20 33:1	184:2,4,22	23:5
150:9	felons	42:20 43:8	185:2,6,10	flawed
161:16	146:17	44:15,22	185:13,17	33:17
178:25	fewer	48:15 51:24	185:22,25	fleshed
families	70:15,15	57:24 61:18	186:3,7,11	48:6
145:17	fictitious	62:13 66:8	186:15,20	fleshing
family	81:3	66:8 70:20	187:6,15,19	41:25
178:21 185:9	Fields	80:12 88:7	188:6,7	flip
famous	182:6 184:8	114:23	fine	136:16
179:1	184:20	129:21	31:5 47:2	flipped
far	185:7,11,23	130:2	117:8	43:18
56:11 67:2	185:23	138:24	finger	Flores
113:3	186:4,21	158:8	137:20	144:10
169:17	fighting	164:13	finish	Florida
Farmer	181:4	170:11	6:22 42:12	26:7 76:11
179:1 181:3	Figueroa	174:10	151:13	76:12,14
father	2:7 141:22	175:8	FIRM	77:8,10
33:7 169:8	142:1,2	185:17	196:7	78:1,6
favor	144:24	186:7,11,15	first	91:11,20
82:13,16	145:2,10,13	187:1	4:23 6:17	95:6 112:15
119:7	146:19	finding	7:6 11:24	114:14
147:14,24	147:4,6	51:1 88:2	21:17 30:25	flowing
169:1	figure	findings	30:25 31:1	40:14
fear	18:14 23:18	87:24	34:23 36:21	folks
176:9	23:23 50:25	Findley	73:23 82:21	6:1 53:4
fears	54:16	168:25 169:5	122:5 131:4	120:16
51:9	125:17	169:5	151:21	124:14
federal	129:20	172:14,21	152:1	125:12
82:25 143:11	165:7 175:4	173:3,23	157:12	132:7 134:9
Feds	file	174:2	158:1	157:11,24
54:4	22:18	175:10,15	160:25	158:10,15
feel	filed	175:18,23	165:18	159:4,14
124:18	120:14	176:14,22	174:17	167:7
127:22	133:17	177:8,13,22	178:16	170:13,14
157:20	150:16	177:25	firsthand	174:2 181:2
	fill	178:4,10,15	150:14	182:12,14



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182:18,18	80:20 178:22	92:10 94:23	115:23	5:2 7:3
184:6,16	forth	fraud	158:24,24	10:23 11:13
185:10	52:8	17:19,21	159:2 161:1	23:4 28:20
187:4 189:8	forward	18:1,11,24	164:19,22	30:19 31:4
189:22,25	121:11	18:25 19:1	166:23	39:2,4
follow	126:25	23:11 24:8	167:17	84:14 86:4
74:17	131:1	31:14,17	168:1,9,9	120:15
followed	141:17	49:24 50:7	168:10	143:12
154:3	149:4	55:22,23	171:9,10	161:15
following	150:23	56:4,25	frequently	184:4
68:1 76:3	177:2	57:1,2,5,7	46:8	generally
195:5	184:11	57:16,18,24	freshman	56:21 72:18
follow-up	found	58:16,20	117:17	General's
163:9	14:15,18,21	59:7 61:12	friend	149:4 195:9
food	14:24 17:1	61:18 63:7	128:24	195:17
98:11	17:6,21	64:19 67:12	friends	generations
football	24:9 27:20	68:17 73:11	23:9 141:17	180:10
81:6	28:21 29:6	83:20 84:17	170:15,15	gentleman
forced	29:7 33:4	89:2,6,8,17	frighten	38:24 45:22
144:1	43:9 49:5	89:24 94:22	31:10 32:9	58:12 77:9
forever	49:25 58:5	119:22,24	33:18	134:22,25
44:10	59:19,22	119:25	front	163:12
forget	63:8,16	121:22	7:20 52:10	175:7
37:16	64:1,3,4,11	126:19,20	71:12 170:8	genuine
forgot	64:12,14,15	126:22	fruition	123:14
32:17	70:6 78:4	127:24	170:4	Georgia
form	88:6 136:14	128:6	full	26:10 38:24
10:18,25	143:3	130:12,15	54:12 83:7	39:3,21,23
11:1,3	144:15	130:19	120:6 170:4	40:6 42:20
50:23 102:8	145:21	131:3,9	fully	43:25 52:17
121:4	146:16	133:11	118:2	53:5 76:12
143:18	171:18	134:7	Fund	77:7,8
165:23	founded	142:12	142:4	144:9,10
format	142:6	148:20	funds	germane
186:24	four	169:20	162:22,23	8:12,19 9:1
former	22:13,17	172:15,19	further	9:6,8,14
53:5 82:25	47:5 94:4	173:5,16	144:21	getting
83:1 86:6,8	120:25	175:19	195:19,22	53:14 83:16
130:14	148:5,6	176:2,3	fuzzy	87:22 95:3
forms	framework	fraudulent	149:5	107:11
11:4,22	14:8	44:3 56:21		135:13
71:15 95:24	franchise	151:24	G	170:20
111:4	152:23	188:2	gap	171:1,4
112:21	frankly	fraudulently	75:7	get-go
160:24	45:10 104:13	43:20	gavel	191:6
165:21	Fraser	free	9:25	give
167:19,21	10:7	5:8 11:8	general	5:14 15:24
Fort	Fraser's	51:6 88:2		16:15 26:13



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34:19 60:20	115:16,21	39:17 40:15	60:24 65:19	44:15
91:19,23	115:24	41:19 42:23	76:20 90:18	group
162:10,24	117:19	45:24 49:5	121:23	6:3,8,9,25
165:6 193:3	133:2	49:10,13	127:5,5	28:4 47:6
193:11	135:25	50:24 51:17	133:23	49:7 81:10
given	141:4,24	52:3,5	137:21	130:24
4:11,20	149:4 152:1	53:25 54:6	139:22	150:15
134:18	156:18	59:4,7 63:5	158:2	188:18
146:24	158:19	63:15 66:2	175:17	189:23
150:7	159:1 160:8	66:4 70:21	178:18	191:25
165:11,15	161:5,8	71:11,23,23	191:14	groups
166:4	162:3,13,18	72:1,2,3,7	gotten	123:4 126:18
192:21	166:23	72:9,9 73:2	159:10,11	grow
gives	170:18,18	73:25 74:9	190:23	53:10
29:20 36:22	173:14	79:3 83:2	government	guarantee
giving	177:20	89:15 91:14	42:18 169:15	120:6
5:2 45:4	180:11	95:25 96:24	governmen...	guardianship
54:9 125:6	181:10,11	97:7 100:8	93:17 121:19	152:6
glad	182:22	105:5,11	125:15	guess
121:24	184:24	109:11	171:3	25:14 33:22
134:11	186:23	112:24	Governor	40:2 101:1
181:10	187:4	113:1	115:4	110:21
glasses	192:10	117:25	Governor's	149:13
167:16,17	193:18	118:19,21	48:2	160:4 163:8
go	goal	122:4	Grand	guy
5:22 6:23	14:2,6 162:1	126:22	149:2 150:19	131:13
8:14 15:18	goes	132:8	176:5	159:19
19:16,16	65:13 113:3	135:25	granted	160:16
23:21 24:22	137:10	149:3 150:9	190:20	163:17
24:24 33:10	going	153:4 158:2	grateful	164:12
34:1 37:16	4:9,22 5:14	162:16	191:5	guy's
37:20 42:23	5:16,22	164:11,13	gratified	191:9
48:13,14,16	6:12,17 7:4	164:24	192:6	
49:12,18	7:5,15 8:12	170:20	great	H
50:22 51:1	8:17 9:15	173:5	45:23 80:14	hand
52:4 56:14	15:3,8 16:2	177:14,20	91:4,19	47:6 71:13
57:2 59:12	16:14 18:2	183:3,6,7	149:24	71:14 86:7
59:13,25	18:18 25:1	186:8,16	170:1	88:10 105:8
60:8 64:9	26:17,18	189:13	176:25	186:4
67:7,24	28:11,12,13	190:22	178:23	handful
68:2,3 70:4	28:24,25	192:9	179:9,10	65:6
70:5,5 72:6	29:17 31:14	gold	181:20	handgun
73:13 74:14	32:7,9,10	174:3	183:9	129:13
78:6 79:4	32:21 34:3	Gonzalez	grew	handi capped
79:12,17	34:5,6,8,21	142:15	19:3 62:1	121:9
80:2 94:5	34:22 35:12	good	grimace	handle
96:18 97:11	35:15 36:23	21:19 23:1	60:10	76:14,16,17
97:24	38:3,5 39:5	38:19,25	groundwork	100:17



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handled 12:19	Harper-Br... 136:15 138:4	134:19	25:5 63:1	21:12,12
hands 50:19	Harris 58:14	150:19,20	76:8	154:15
happen 28:13 29:18	Harry 85:4	153:17,21	helpful 5:2 65:23	162:11
29:18 33:12	harvesting 49:17 74:7	hearings 58:13 153:19	69:20 70:8	182:3
39:15 64:2	133:19	Heflin 3:12,13	helping 54:9 92:16	holistic 118:9
65:1 71:23	head 22:12	25:17,18,21	92:19 125:6	home 19:5,16 49:6
89:12 112:9	headed 86:6 152:15	25:24 26:5	166:19	49:8,9
114:10	heading 189:4	27:21 28:3	hesitate 192:21	96:19 97:10
158:4	heads 71:24	28:7 29:9	Hester 2:10 188:10	113:24
193:23	health 114:5 191:9	29:21,25	188:14,14	homeless 157:6,8,11
happened 23:6 24:19	hear 4:5 5:23,24	32:12,23	192:18,19	157:13
81:21	6:8,23	38:17 67:3	192:24	158:15
112:15	11:24 12:11	67:4,16,20	193:2,6,10	159:22
133:16	51:24,25	68:5,11,18	193:14,17	161:22
143:4	63:5,22	68:21	193:19,23	162:19
178:13	78:5,21	172:13,14	194:1	163:12
182:17	86:1 117:14	173:2,20,24	hey 192:7	homes 24:22 48:10
happening 80:4 95:4	141:3,4	177:6,8,14	Hi 54:23	48:10,23,23
178:18	144:25	177:23	Hidalgo 64:8	133:19
happens 12:8,12	148:18	178:2	high 165:19,20	honesty 93:4
14:20 16:25	195:13	held 150:18	166:20	honor 137:5,10
24:25 29:18	heard 3:22 26:6	153:19	170:2	hook 91:2 185:7
33:13 48:22	30:1 47:15	help 5:3 11:22	higher 45:7 108:4	hoops 192:3
65:5 97:15	50:6 53:4	23:12 25:1	highest 39:24,25	hope 110:19,20
hard 24:17 30:3	58:12 61:4	27:15,25	45:9 49:7	162:16
49:3 58:19	69:2 81:6	49:18,19	172:17	177:1,15
84:20,21	102:13	51:3,5,7,8	hire 48:13 61:11	hoped 126:24
115:14	104:25	53:7,8,9,10	hired 61:15	hoping 135:19
127:9	105:15	53:12,15,16	Hispanic 170:13,15	horror 163:11,25
131:14	124:1	54:12 63:2	Hispanics 170:21	164:7
152:19,22	132:22	78:22 123:6	history 39:24 123:8	hoses 180:9
154:8	150:22	131:4	179:17	hot 22:12
158:12	172:16	134:11	hold	hour 175:12
181:4	hearing 3:19 6:22	158:9		
185:17	7:22 9:2	161:22		
hardship 154:7	101:2 116:3	162:3,16,18		
harmful 93:12		162:21		
Harper-Brown 3:12		164:20,23		
		165:17,19		
		165:21,24		
		166:20		
		167:20,21		
		172:18		
		helped		



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hours	10:25 11:1,3	103:18	80:22 81:2	60:17 64:10
75:6 87:2	11:4,9	identifying	81:9,13	64:21 69:24
94:5 105:14	14:10 15:10	98:1 160:5	116:13	72:25 74:22
134:23	15:20,22,24	identity	119:23,23	77:18 78:16
150:21,22	26:2,3	95:18 109:20	119:24	82:5,6
184:24	28:12 30:5	110:1	120:1,2,8	98:24 102:3
house	34:8 36:23	125:10	120:13,17	113:2
1:1 3:1 4:12	43:9 52:8	145:16,20	120:22,22	115:19
4:18,20	52:25 66:4	174:25	122:18	122:2,9,11
5:10 6:12	75:24 78:10	ignorance	123:25	129:18
8:12,20	79:11 82:18	89:9,18,23	132:6 136:2	137:8
9:11,11,15	86:12 96:3	ignore	142:13	142:25
10:6 15:2	98:15,16	109:11	143:1 176:7	144:6,9
18:13 23:17	99:23	III	implement...	147:16
48:17 79:13	100:18	1:7	54:11 120:25	149:9,12
100:13	101:15	illegal	143:24	151:8
115:3 121:5	103:13	15:4 146:17	implications	161:14,21
126:4 195:6	104:18	illiteracy	95:9 110:17	164:18
Houston	106:15	167:14,20	imply	176:21
19:17	108:19	imagine	9:1	179:9,14
Howard	117:1 143:8	79:17 116:25	important	186:16
1:15 195:3	143:18,21	164:8	6:12 12:8	187:23
196:6	146:23	immediately	26:24 73:3	incentive
huge	147:1 160:6	74:20 76:8	82:22 87:5	61:18
170:20	160:15	188:20	89:19 92:22	incidence
human	163:10	impact	136:19	142:25
183:25	172:3	25:13 31:21	141:16	incidences
humbly	174:18	189:7	142:17	84:12
98:25	184:12	190:25	impossible	include
hundreds	193:21	impaired	58:15,18,21	116:24
29:6 58:5	identific...	189:8	120:23	included
hurdle	10:21,22	impairment	189:15	29:24
136:4,7	33:20	152:5 190:17	impression	includes
husband	108:18	impersonate	36:21 66:3	83:7
152:5	118:15	14:19 57:25	133:16	including
hypocritical	161:10	67:20,23	191:18,19	86:14 113:13
154:4	172:5	impersonated	improprie...	114:4 142:8
	identified	29:4	80:24	191:17
I	76:3 101:6	impersona...	inadverte...	income
idea	118:14	14:16,19	56:6	21:25
53:7 65:19	154:1 168:4	29:7 64:11	inaudible	incomplete
65:20 89:2	identifier	182:21	10:2 12:2	52:1
133:23	10:20	impersona...	13:23 25:25	inconsistent
ideal	identifies	9:14 16:23	29:22 32:23	154:14
26:12 131:11	100:10	28:19 63:8	38:17 40:24	incorrectly
ideas	identify	63:17 64:20	41:16 42:7	89:19
5:3 54:10	30:22 51:7	64:24 65:10	43:14 44:8	increase
identific...	77:17	66:10 69:13	44:12 46:24	87:25



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increased 85:9 88:10 121:12 124:14,15 independent 173:13 INDEX 2:1 Indiana 26:10 46:18 76:12 85:3 91:11 97:17 97:18 99:2 99:7,15 106:12 108:2 112:9 135:1,2 172:1 indicate 11:10 85:23 118:8 155:8 indict 149:3 individual 15:19 16:3 148:24 149:3 160:6 163:24 164:2 individually 6:25 individuals 16:6 30:22 42:18 47:24 48:16 52:20 53:10 151:21 154:6 158:4 173:15 180:2 182:5 182:5 ineligible 59:21,25 151:19 infirm 78:24 inflation... 171:19	influence 190:3 192:12 192:17 influenced 191:17 inform 118:4 information 5:3 15:10,25 27:12,16 34:19 35:11 35:22 37:21 38:23,25 39:11 46:6 52:16,19 71:25 72:3 72:16,20 74:20 75:3 76:7 78:7 80:3,6,9 88:5 91:23 106:13 118:5 142:9 142:14,18 148:4 149:2 166:20 168:17 informed 37:14 initial 145:14,14 initiated 152:14 inject 142:9 injury 188:11,15,21 188:24 189:5 191:7 ink 137:20 innate 169:9 inquiries 183:7 inquisitive 67:2 inside	73:4 instance 27:22 70:11 81:6 97:21 instances 31:23 47:25 48:19 57:9 79:19 85:11 110:14 114:16 122:18 instill 83:21,24 Institute 85:3 institution 98:17 101:16 instructions 167:10 instrumental 5:2 insurance 114:5 insurmoun... 71:18 integrity 80:14 82:23 136:20 170:2 177:10 intended 8:25 99:22 intending 104:10 intent 9:7,17 103:16 104:9,20 105:13 107:8 109:18 110:16 112:19 114:9 117:9 191:23 intention 5:11 149:21 intentional	56:7 57:6 190:11 intention... 18:2 interest 96:1 192:11 interested 31:13 78:8 101:2 157:14 195:23 interesting 46:20 47:17 80:13 86:5 91:9 156:2 interim 17:3,3 interpreted 105:22 interrupt 40:23 192:21 interviewed 71:1 intimidated 114:12 introduced 113:11 invested 92:8 investigate 14:17,17 28:25 62:12 investigated 31:18 investiga... 80:23 investiga... 70:4,5 investiga... 13:25 143:3 inviting 59:16 involved 89:1 139:13 involvement 27:10 in-depth	130:12 Iraq 137:19,24 issue 3:24 4:6 9:13 13:20 14:9 22:7 22:13 23:10 28:17 40:19 43:14,18 47:16 48:1 50:13,13 64:24,25 70:15 81:16 84:5 86:4 88:8 91:7 93:6 97:17 107:11,16 114:16 117:24 118:6 135:10 149:7 162:19,21 169:20 171:2 172:15 177:12 190:14 issued 85:23 86:9 86:18 96:3 96:8 98:17 99:24 100:1 106:15 117:21 issues 8:24 40:3 41:25 48:4 53:14 54:10 92:8 93:12 105:15 128:10 146:9 150:22 items 102:11 148:5 151:17
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I.D	137:17	86:19, 23	keeping	28:17 30:10
11:5 16:22	141:13	Jerry	50:25	30:19 31:10
16:24 17:13	142:20	151:22	kicked	33:7 34:15
26:9 29:10	143:15	Jim	54:10	34:17 36:8
30:5 32:17	144:7, 17	179:1 181:19	kicking	40:2 43:22
39:4, 7, 7	155:24	Jimmy	115:19	43:23 45:16
40:1 44:2	158:5, 6, 12	83:1 86:8	kickoff	45:19 46:2
46:3, 8	158:15, 19	job	152:17	46:19 47:14
50:12, 15, 23	158:24	144:5 158:8	153:21	48:5 49:4, 6
51:8 53:14	159:2, 11	196:11	kid	49:10, 10, 16
53:16 54:1	160:20, 24	joined	181:18	50:1 51:23
54:4, 6, 9, 13	165:9, 13, 15	155:8	kids	52:17, 24
71:14, 16	165:21, 23	Jose	20:19 137:23	54:15, 16
77:12 78:3	166:4, 5, 20	146:5	181:8, 24, 24	58:22, 24
79:3 82:22	166:24, 25	Journal	184:25	59:25 60:1
83:6, 14, 23	167:1, 6	126:11	kind	61:25 62:1
84:3, 4, 14	168:1, 3, 9	Jr	4:9 5:13	62:8 65:21
85:10 86:12	169:25	13:23	20:16 27:19	69:19 70:2
86:20, 25	170:11, 20	judge	31:12 33:16	70:13, 14, 23
87:3, 24	171:1, 3, 8	29:5 48:12	35:11 43:8	71:22 72:11
92:17, 18, 20	171:10	48:12, 21	47:22 50:12	73:5, 5, 10
92:23, 24	174:21	70:18 71:3	65:20 69:4	73:13, 21
93:17 94:24	176:13	120:3, 4	91:5 95:22	74:5, 9, 15
95:24 97:8	182:12, 20	178:17	103:15	74:18, 23
97:11, 18, 19	183:17	judges	131:13	75:12, 15
97:21	184:16	120:7	146:9	76:21 77:1
101:18	187:8	July	150:24	78:20, 23
104:6, 7	I.D.as	152:14	160:10	80:24 81:5
105:4 106:7	125:24	153:22	165:9	81:7, 23
107:13, 14	I.D.ed	jump	167:17	84:18 89:6
107:22, 24	129:14	192:4	173:15, 19	89:12, 14
108:13	I.D.s	junior	174:20	91:10, 23
109:3 111:4	53:8, 21 88:2	165:20	kinds	92:15 93:2
111:7, 13, 17	93:14, 15	jury	105:6 119:22	93:2 95:7, 8
111:20	97:23	71:3 149:2	119:25	99:12 100:7
112:2, 4, 21	108:10	176:5	190:19	100:23
112:23	113:3, 12	justice	King	101:14, 24
114:9	125:12, 13	128:23	179:2 192:13	103:21
115:25	125:15		192:13	104:15, 20
117:15	142:21		knew	107:8 113:9
120:10	158:10	K	133:2 176:6	113:16
121:9, 18, 19		Karen	179:5	116:11, 21
121:21, 23	J	143:24	know	118:17, 21
124:1 125:8	jail	keep	3:20 6:16	120:9, 16, 21
125:8, 17	175:13 180:5	19:5 50:17	8:2, 18, 20	121:21
127:10, 24	James	50:20 76:19	13:18 14:20	122:23
133:13	83:2 86:7	157:19	15:1, 15	124:2
135:2, 10	January	189:2	18:10 19:4	127:16, 20
				127:23



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128:1,13,25	lack	84:7 94:1,9	169:9	107:9,16
131:11,14	26:9 30:5	94:12 95:18	leaves	147:7
132:2,6	39:7 143:8	95:19 99:15	58:17	171:24
133:10,10	143:20	100:9	led	172:6
133:21	146:25	104:16,17	191:12	legitimately
134:6,7	lady's	104:19	left	80:10
135:25	119:14	105:22	86:16	length
136:8,8,14	laid	106:8,12,14	legal	49:13
136:17	71:13	106:24	17:4,5,10,12	lengthy
137:16	Lampasas	107:4 115:4	66:9,15	86:9
138:6,25	122:15,16,19	133:3	76:3 83:7	lesson
139:6,10,25	language	143:17,24	123:12	123:8
141:8	5:4,7 6:19	161:3,3	134:1	letter
143:16	31:8 33:17	172:2	141:12	87:23 105:4
145:6 146:3	33:19,23	175:12	142:4,6	let's
147:4,7,8	34:7,25	184:10	148:20	11:15 40:12
149:16	35:3,6 36:6	187:22	152:5 154:1	40:13,14
151:23	36:11,16,21	lawful	164:15	53:23 66:7
154:19	37:2,5,11	182:20	183:12	66:13 96:12
159:6,20	38:10 40:15	laws	legally	114:7,25
161:17	51:17 95:18	97:16 154:2	123:23	126:25
163:1,4	98:13 99:1	175:16	141:15	128:11
165:12	99:4,4,17	lawsuit	183:11	131:6,8
166:4 173:4	104:13,15	36:2	legis	132:2
174:19	105:24	lawsuits	95:17	186:23
175:5,12,13	109:17	69:6	legislation	level
176:5	117:7,10	lawyer	3:19 4:22,23	115:9,11
178:12,13	Lare	11:25	9:3,8 22:11	leveled
179:1,5,9	181:19	lay	89:11,20	148:24
181:10	Laredo	4:1,22	91:14 92:10	license
182:14	19:17 61:9	156:17	107:20,21	37:21 51:22
184:8 185:3	large	laying	110:18	52:2 72:18
186:3	22:8 43:23	7:12,19	133:12,17	91:24 92:21
187:11	159:21	lays	135:8	93:14 94:14
188:25	larger	10:6	Legislative	94:16,20,24
189:4,18	108:5	lead	142:3	96:2,9,22
191:22	late	59:23 142:16	legislature	105:25
192:5,13	191:22,24	leaders	14:3 22:15	106:12,15
knowledge...	Latino	148:19	41:21	106:24
80:13	142:7 146:4	leads	126:14	107:5,15
known	laudable	62:10 120:12	131:15	110:6 111:6
81:4	162:1	League	184:11	111:13,17
knows	law	28:5 42:19	legitimacy	112:5,22
15:13 72:6	10:17,18,22	learned	107:12	119:19
73:4 122:20	10:23,24	142:23	legitimate	129:13,14
137:21	12:20 30:10	leave	16:12 73:14	129:25
	40:1 75:11	7:11 53:3	74:23	144:3
	78:7,11	66:3 67:2	103:14	145:19
L				



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166:8,25	157:23	73:7 149:1	168:16	132:7 136:3
167:5	165:23	lives	170:25	170:13,13
170:19	listed	19:4	187:21	185:3
licenses	144:3	living	192:8	love
17:13 88:3	listen	63:19,20,20	looked	91:19 130:11
121:17	10:11 69:25	102:9	14:23 31:22	131:3,11
life	191:3	117:17	64:23 69:16	144:21
189:20,25	listened	149:21	86:10 88:5	Lucero
191:14	13:19 132:23	159:24	133:1	143:25
lifetime	listening	189:18	looking	luckily
131:20	105:14 145:3	lobby	23:10 92:13	178:12
life-long	lists	126:18	looks	lucky
147:23	11:2 100:20	local	63:11	79:5 158:20
light	100:22	30:14,14,18	loosy-goosey	Lufkin
5:16 161:11	litany	48:1,4,4	137:14	91:24 94:5
190:14	105:15	80:5 120:15	lose	94:14,20,25
light's	literally	157:14	137:1 179:22	97:9,12
141:3	167:19	170:7	loses	104:3
liked	litigation	locations	107:13	105:25
30:1	25:4 142:10	3:18 110:15	losing	106:1 110:6
likewise	142:15	lodge	61:11,16	Luis
190:15	little	192:10	lost	2:7 141:22
like-minded	16:19 20:2	logged	84:10 136:17	141:23
6:1	59:2,6 62:6	120:14	139:4,24	142:1,2
limit	62:6 108:4	logistics	141:15	145:2,10,13
6:20 8:10	136:5	95:10 110:18	lot	146:19
limitation	148:13	Lone	3:21 13:20	147:4,6,11
4:10	185:20	174:23,25	19:25 23:9	<hr/> M <hr/>
limited	live	long	26:19 30:12	mad
158:17	20:24 21:4,6	5:22 25:14	30:12 31:13	92:1
limits	22:20 23:2	52:17 55:5	62:9 81:17	magic
105:9	54:17 92:3	60:8 94:21	84:18 88:25	134:8,12
Linda	95:2 105:21	164:1 166:3	89:1 100:7	mail
136:15	145:6	177:19	103:19	18:12 19:10
line	149:20	191:23	112:10	19:11,21
105:4 158:16	169:12,21	longer	119:21	20:21 21:8
list	169:22	21:24 121:3	125:6	21:9 23:19
10:20,21	170:12	look	131:23	47:5,7,8,11
11:5 63:11	176:18	4:3 27:18	135:8 136:9	47:16,20
69:16 74:13	181:18,24	29:3,4	146:2	50:13,14
75:4 83:5	181:25	33:10 46:4	157:15,23	73:16 74:9
98:14	182:6 184:8	61:11,24	158:4 159:5	74:14 75:5
100:18,19	185:10,22	63:10,15	159:8 163:6	84:24
101:3 102:5	185:23	86:3 97:7	163:7 166:3	128:12,13
112:19	186:14	97:16 102:8	182:14	133:4,8
116:23	190:25	117:14	184:9	136:2 162:9
118:14	lived	120:18	lots	171:13
146:22	22:20,21	125:23	71:7,7 128:6	



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mailbox	16:8	100:4	145:20, 22	means
68:3, 4	mandated	101:12, 21	145:24	47:23 123:12
mailboxes	108:12, 14	102:6, 16, 21	146:8	125:7
24:16	manner	102:25	matches	meant
mailed	4:13 10:13	103:6 104:1	160:9	47:19 66:18
48:15 74:14	191:5	104:4, 11, 21	matching	measure
74:16 162:5	margin	104:25	146:10, 10	190:5
162:9	83:18	105:12	mater	measures
mailman	Mario	107:1, 6	117:5	123:22
68:2	116:15, 16	108:6, 20	matter	mech
mail-in	Mark	109:13, 23	4:15 6:3	100:9
18:21 62:15	2:10 122:5, 6	110:11, 24	15:14 78:17	mechanisms
62:23 66:19	188:10, 14	111:2, 9, 14	157:16	10:15 83:19
67:12	188:14	111:18, 21	192:8	89:16 164:1
130:12, 15	192:19, 24	111:25	maxim	medals
130:19	193:2, 6, 10	112:7, 14	91:5	189:24
132:2 136:7	193:14, 17	113:1, 6, 18	mayor	Medicaid
172:15	193:19, 23	113:21	53:5	102:19 175:1
173:5, 15	194:1	115:7, 13	ma'am	Medicare
174:14, 16	marked	116:4, 6, 14	104:4 124:24	102:19
174:20	15:22 27:22	117:3, 7	126:9 130:5	meet
175:19	markets	118:21, 24	134:15	88:25 97:19
main	71:24	127:6, 8, 16	155:25	meeting
21:17, 21	marking	127:18	165:10	7:16 86:2
121:7	30:6	147:13, 16	mean	152:17
mainstream	married	147:18, 21	18:2 19:20	member
53:9	144:12	147:21	21:11 26:17	8:1 140:14
maintain	marrying	148:10, 15	28:12 29:17	188:15, 16
48:9, 10	146:5	148:17	29:18 35:4	members
101:8	Marshall	149:10, 13	36:10 39:1	4:2, 8, 13
major	175:11 178:9	149:19	51:21 57:24	7:14, 17, 21
27:4 32:4	178:13, 19	151:6, 10, 17	58:20 71:6	10:9 11:9
71:24	178:21, 25	153:2, 5, 8	71:22 79:8	11:16 13:10
majority	179:5, 18	153:16, 21	89:23 96:24	13:18 16:16
60:21	181:20, 21	153:25	104:16	18:13 22:22
making	181:25	154:18, 22	108:20, 22	23:17 41:1
79:15 80:6	182:1, 15	155:3, 17, 22	113:21	41:12, 18, 21
89:18 92:18	183:13	155:25	114:15	41:23 60:4
95:12 99:19	Mary	156:3, 7, 9	118:9, 12	67:1 80:12
134:6	2:5, 8 90:12	Maryland	126:8	85:25 86:10
154:21	90:17, 17, 22	108:3	159:18	88:13 90:9
155:1	91:2 93:9	Mary's	162:18	115:12
MALDEF	93:22, 25	101:22	163:4	116:20
141:23 142:4	94:4, 12	Master's	192:10	121:25
142:6, 16	95:21 97:3	191:9	meaningful	122:3, 5
mama	97:6 98:2, 4	match	52:15	124:2, 3, 9
19:4	98:8, 25	97:12 105:5	meaningless	140:20
mandate	99:9, 20	120:18	46:17 52:14	147:11



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151:4,5	midnight	108:3	33:7 58:2	151:21,22
155:10	123:1	Missouri	65:5 71:4	152:1,7
156:6,17	migrant	85:5	97:9	160:9,9
161:19	145:5,17,17	misspoke	Mouse	169:3
163:23	migrants	66:16	81:7,11	182:15
168:19	145:7	mistakenly	mouth	188:13
178:6 188:5	migrated	57:2	118:11	named
193:4	178:21	mistakes	148:14	180:2
membership	miles	89:18	move	names
189:12	175:12	mister	5:10 19:5	63:12 69:21
memory	military	143:1	123:6	79:9 81:11
190:17,17	154:11	misunders...	137:24	81:24,24
men	million	105:18	190:12	84:16,19
180:18	40:6 78:2	misunders...	moved	146:3,4,4
mention	93:15 118:9	155:2	6:18 144:4	182:13
44:25 148:6	121:17,18	mobile	moves	name's
148:8	121:18	51:5	146:2	157:5
mentioned	125:14	model	movie	Naranjo
30:3 42:18	mind	169:15	179:10	2:5 90:12,17
45:6 72:12	5:18 57:12	mom	moving	90:18,22
85:14,17	60:9 90:15	92:1	4:21	91:2 93:9
150:16	125:20	moment	multiple	93:22,25
mercy	134:18	47:21 71:11	69:9 84:16	94:4,12
128:23	mine	91:8	137:22	95:21 97:3
merely	61:15 72:14	money	murder	97:6 98:2,4
51:1	129:25	30:12 51:15	30:16 58:23	98:8,25
message	mine's	93:2 107:17		99:9,20
176:12 177:1	135:25	115:20	N	100:4
Methodist	minor	117:18,21	naive	101:12,21
111:7	79:22 191:10	117:22,25	59:2,6	102:6,16,21
Mexican	minorities	118:10	name	102:25
63:20,24,25	79:1 91:16	121:14	6:13 13:11	103:6 104:1
142:3	123:16	168:4,5,8	13:12,13	104:4,11,21
Mexicans	minority	177:18	22:24 59:16	104:25
63:19,21,23	31:20 85:1,8	Montgomery	61:3,4	105:12
Mexico	108:5 124:3	114:2	68:15 70:9	107:1,6
137:11,24	minute	month	80:2 81:3	108:6,20
Michigan	43:1 47:17	140:15	81:13 82:14	109:13,23
110:14	56:3	months	83:7 90:16	110:11,24
114:14	minutes	161:8,9	90:20 97:19	111:2,9,14
Mickey	5:15,19	morning	98:10 110:4	111:18,21
81:7,11	93:19	3:25 4:1	119:8,11	111:25
microphone	misleading	118:18	141:24	112:7,14
148:13	31:9	170:7	142:2	113:1,6,18
151:12	mission	Morrison	144:12	113:21
middle	173:14	144:10,10	146:7,7,8,9	115:7,13
13:13 191:11	Mississippi	mother	146:22	116:4,6,14
			147:20,21	117:3,7



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118:21,24 narrowly 148:22 nation 30:25 31:1 39:25 169:13 177:4 National 180:15,17 nations 176:16 nationwide 83:17 nation's 176:24 nature 73:20 174:24 189:5 193:1 nearby 163:6 nearly 67:7 necessarily 53:7 54:13 149:6 176:3 necessary 5:6 7:22 104:23 168:3 190:10 need 7:11 15:5,18 26:15 27:7 27:7,9 31:5 31:6 34:21 34:23 37:7 37:7 50:22 52:3,14 60:15 72:5 73:11 77:14 78:11,21 79:4 83:18 84:13 88:9 106:5 121:2 128:10 133:13,23 135:25	156:22 171:15 173:8 175:8 176:11 185:20 187:11,12 needed 12:9,13 34:1 109:20 135:8 173:7 needs 14:11 27:11 27:16 28:14 31:9 32:14 73:9 76:7 78:21 121:3 121:4 152:4 176:10 neighborhood 165:14 neither 195:19 never 14:15,18,21 14:23 18:15 19:25 20:1 23:22 24:1 24:10,10 27:5,20 28:19,19,21 29:6,7 32:3 33:13 36:7 36:8 39:15 43:9 57:11 57:25 58:5 59:22 61:7 63:16 64:1 64:3,4,11 64:12 69:22 70:6,22 76:21 94:6 114:22 129:16,21 132:11 143:14 164:11 nevertheless 61:17	new 4:15 6:23 88:2 94:17 95:23 142:9 182:1 newlywed 144:11 news 138:16 nice 125:3 night 26:6 30:2 60:8 104:24 122:24 123:8 124:1 140:17 156:16 nip 177:20 noise 60:13 non-citizen 14:21,24 16:19,23 19:20 64:12 non-citizens 17:5 non-germane 9:2 non-photo 10:22 11:4,5 71:16 108:17 142:21 non-photo... 11:1 172:5 non-photos 100:19 non-resid... 146:17 north 114:19 150:19 notable 114:18 note	24:4 73:19 118:7 170:6 noted 113:17 notes 165:1 notice 5:12 35:7 noticeable 113:25 noticeably 113:17 noticed 62:22 notified 10:15 number 3:23 10:14 11:21 25:9 39:6,18,20 40:5,6 43:19 69:6 69:17 70:19 77:3 80:9 83:9 92:7,8 94:15 95:4 100:19,23 102:5,11 103:8,17 115:25,25 125:19 127:19 138:20 139:10 143:7 161:4 174:13 numbers 18:10 22:8 30:3 39:8 43:2,23,24 43:25 79:5 146:16 174:10 numerous 43:22 46:10 113:24 152:10 nursing	24:22 48:9 48:22,23 49:6,8,9 <hr/> O <hr/> oath 174:4 objection 53:20 54:3 obligations 7:22 obstacle 170:21 obtain 103:12 125:7 171:21 obtaining 11:10 obviously 4:7 41:23 42:4 84:19 84:25 171:3 occasion 64:19 occur 10:17 81:10 146:2 164:11 occurred 24:19 150:15 occurring 114:17 occurs 58:4 offensive 60:14 63:3 offer 8:14 150:5 189:20 office 13:22 30:11 31:18,18 48:15 75:7 75:14 87:2 121:15 149:4 195:9 195:17
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



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officer	141:3,6,22	41:20	3:2 5:5 6:11	160:16
143:25	147:18	operate	10:13 18:8	
offices	148:15	68:7	20:3 65:17	P
74:15	151:6 153:2	operating	71:25 73:19	page
official	153:25	14:13	81:24	2:12 158:13
50:23 78:18	154:18	operations	174:25	170:8
officials	156:7,23,24	176:24	ordered	paid
15:11,25	156:25	opinion	171:12	47:25 48:5,8
16:1 20:17	161:18	60:19 107:18	ordinary	49:20 81:25
51:13 69:21	162:15,25	125:5 129:1	29:14	140:14
80:5 130:24	168:15	133:1,5	organic	paint
oftentimes	173:2	171:17	189:6	169:23
69:2	178:11	Opitz	organization	pan
oh	183:7 184:3	2:8 147:13	19:23 20:5	29:1
12:5 28:22	193:25	147:16,18	115:12	panel
28:24 33:7	Oklahoma	147:21,22	142:6	4:3 5:20
122:25	96:21 111:6	148:10,15	189:11	41:21,23
149:10,17	Oklahomans	148:17	191:12	126:13
149:18	96:12	149:10,13	organized	193:4
156:3 162:7	old	149:19	24:7 25:10	paper
165:12	33:10 102:22	151:5,6,10	47:18,19,22	170:7,8
okay	103:10	151:17	47:23 48:24	papers
8:5 9:21	133:3	153:2,5,8	57:18 68:7	65:20 117:21
12:21,22,25	181:25	153:16,21	originally	117:22
13:5 16:13	182:18	153:25	91:25	paperwork
17:3 18:5	184:4	154:18,22	ought	107:12
25:16 26:15	older	155:3,17,22	44:21	parents
28:8 36:15	126:16,18	155:25	outcome	114:4,6
37:10 38:13	once	156:3,7,9	195:23	170:16
38:16 44:5	66:11 67:2	opponent	outcomes	park
45:5 54:19	135:1,14	139:20	18:9	21:11
55:10,19	166:21	opportunity	outside	part
56:19 60:4	177:20	5:18,21	32:3 113:15	5:25 6:1
62:18 64:13	onerous	10:10 16:16	out-coming	48:7 96:2
65:2,8	152:24 154:5	26:13 27:24	96:12	101:16
66:12 68:20	154:13	60:20 78:9	out-of-state	105:7,9
76:9 77:21	ones	106:21	111:5,12,16	107:23
81:20 87:17	83:5 136:11	148:3 161:5	112:5,22	133:11
93:18 97:4	136:23	187:17	overflow	150:15
98:13	one's	193:4,12	4:7	172:6
101:21	40:10 176:23	opposed	overlook	189:14
111:11,22	one-time	67:7	188:17	participate
116:5,17	171:22	opposition	overriding	115:15,17
119:16	online	86:14 142:5	14:2	152:19
122:14,17	114:24	144:20	overturn	154:9,12
123:3 129:2	open	opted	61:12	157:16
138:8 140:7	11:15 144:20	172:2	owns	participated
140:19	opening	order		150:10



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participa...	47:21	28:10,13	114:10,17	51:4 108:2
116:8	pay	29:2 31:6	116:14	108:21
particular	59:14,15	31:10,22,23	118:11	165:7
6:1 51:10	93:1,4	32:5,6,10	120:19	percentages
56:16,16	107:17	32:15 33:1	123:9 125:6	43:25
70:11 93:10	121:14	33:5,6,18	125:8,24	perfectly
93:11 95:25	171:11,23	37:6,24	126:24	57:17 60:9
100:25	paying	39:18 42:22	129:21	187:20
101:1	21:24 68:15	43:8,16,19	132:11	period
141:18	Pena	45:17 48:5	134:5 139:7	5:19 13:19
152:24	3:6,7 10:1,2	48:9,14,24	141:9 143:7	15:11 23:17
154:13	10:4 11:15	49:1,9,19	145:25	26:18 39:17
189:10	11:20 12:2	49:19 51:3	146:3,25	53:20 54:1
190:23	60:23,24	51:4,7,15	147:3 150:1	76:2 86:17
particularly	61:2,10,17	51:16,20	150:5	87:4 164:3
80:25 123:15	61:23 62:3	52:18 53:8	151:18	175:25
141:16	62:11,14,18	53:13,15,21	152:19,21	176:24
158:6	62:21 63:2	53:25 54:3	152:22,25	permanent
parties	63:18,25	54:9,12	154:8,9,10	17:4,5,11,12
27:13 28:1	64:4,13,17	56:14 57:20	154:10	22:21 91:25
52:18,19	65:2,8,15	58:8 59:5,8	157:6,12,13	perpetuating
78:8 80:25	66:12,16,23	59:15,16,17	157:13	121:22
195:21	77:6,9,15	59:20,25	159:9 160:7	person
parts	77:18	62:1,2,8	161:22	6:2,4 11:24
145:7	106:10	63:4,10,16	162:8,10	14:18 27:23
party	140:23	64:16 65:17	165:8,11	28:15,20
152:14	141:20	66:3 67:8	167:19	29:10 34:20
153:18	144:23	67:19,21,23	168:1	57:16 58:16
168:25	145:3,11	67:23 69:9	169:16,19	63:12 69:3
pass	146:12	69:17,18	170:9,16	69:8,8,15
9:25 121:23	pending	70:16,17,21	176:8 181:3	70:3,9,23
158:14	4:16 10:7	70:21 71:2	182:22	72:6 76:25
167:16,18	penitentiary	71:7,21,21	184:9 185:3	78:9 79:17
170:18	173:17	72:14 73:19	people's	96:3,8,21
180:10	175:21	74:13,21,24	26:19	103:10,10
passed	Pennsylvania	75:3,4,4	percent	106:16
25:4 62:25	110:14	76:2,21	72:14 83:22	110:8
115:3 121:3	114:14	78:19,22,23	84:2 85:9	117:21
121:4,5	people	79:2,10,12	93:16 108:2	120:9 143:4
135:1,8	6:5 15:24	79:14 81:1	108:8,11	169:17,24
158:13	16:7 19:1,3	81:7,11,17	116:8	171:14
passport	19:7,21	81:22 82:2	165:15	173:3
117:21 129:3	20:11,24	82:7 89:18	166:5	personal
path	21:4,15,19	91:16 92:16	169:21	96:3 106:15
168:9,10	23:1,1,24	100:24	173:18	107:18
pathetic	24:10,12,14	102:22	178:1	110:13
49:11	24:22 25:9	103:8,18	percentage	152:3 173:8
paused	26:21 27:13	107:8 108:8	32:5 39:5	176:18
		108:15		



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personally	118:15	57:20 58:9	103:7	171:17,23
87:1 120:9	121:9	66:7,14	105:17	polling
170:11	142:20	69:20 70:22	109:7,16	15:7 24:6
172:25	155:24	72:7 78:19	110:2 141:7	28:10 30:19
177:17	158:19,24	79:4,6,18	141:19	31:15,20,24
persons	159:2,11	83:4,19	152:12	32:4,5,10
34:3 72:21	160:20	84:18 89:17	153:1	32:20 33:6
83:3	166:24	144:19	175:17	48:20 52:5
person's	167:1,5	152:8 158:8	183:2	52:9 57:20
83:7,8 98:16	168:1,3,9	171:10	pointed	58:8 66:7
perspective	171:3,8,10	176:6 186:9	141:8	66:14 69:20
118:10	172:3,5	190:23	pointing	70:16,22
persuade	174:18	192:11	88:8	71:7 72:7
106:21	176:13	places	points	78:19 79:4
persuasive	photograph	31:15,20	40:14 67:5	79:6,17
103:21	83:8 98:17	32:10 33:6	182:25	83:4 110:15
phonetic	110:5	70:16 71:7	183:22	192:11
23:16 25:3	photographic	71:8 94:22	police	polls
62:22 97:22	10:25	plaintiffs	143:25	16:23 31:10
142:16	physical	142:17	policy	51:21 56:15
143:25	189:7 191:10	plan	5:9 85:4	59:9 80:22
146:6	pick	130:24	political	86:20 87:10
152:16,17	82:7	Plano	27:25 98:18	87:12 91:13
181:19	picked	147:22	101:16	108:15
photo	139:20	platform	157:17	111:5
10:21 11:3	piece	136:11	173:10	112:12,20
50:15 51:8	4:16,22	players	politically	157:19
53:8,14,16	91:14,22	81:6	50:8	160:8
53:21 54:1	92:5,10	please	politics	161:15
54:4,6,9	93:5	3:3 5:12	48:8 64:19	162:13,14
71:14 78:3	piecemeal	6:20 41:11	66:20	163:3
82:22 83:14	68:14	42:8 60:12	Polk	171:25
83:23 84:3	pieces	73:9 82:14	19:17 20:13	172:8
84:4,14	9:3 107:21	90:15,21	20:14,15	poor
85:10 86:11	pitching	119:8	21:22,23	85:1 121:8
86:25 87:2	26:21	147:19	22:23	157:7,11,13
87:24 92:23	pivot	151:13	poll	174:23
92:24 93:14	71:11	152:9 169:3	69:3,7,16	population
93:15,17	placard	188:13	70:1,9	167:14
94:24 97:20	31:15	plenty	83:22 84:1	portion
98:10,14	place	108:22	93:3 99:11	37:2
100:18	5:5 15:7,8	point	100:10	posed
107:22,24	22:20 24:6	5:17,20 6:20	101:10	43:9
108:9,12,19	28:10 30:19	7:2 9:18	105:2,10	position
109:2 112:3	31:21,24	12:12,23	106:21	24:23 176:23
112:21,23	32:4,5,20	40:23 42:24	109:21	possessions
116:25	40:1 48:20	67:5 75:22	110:7 112:3	163:12
117:15	52:5,9	99:15,15,18	114:20	possibility



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164:25	present	159:20	proactively	105:6
possible	3:14,16 10:5	presumption	53:16	112:17
10:14	11:23 12:9	9:18 95:13	probably	128:6,13
possibly	27:2 50:23	95:21 108:3	14:20 51:24	132:3 133:8
57:15 121:5	51:2 57:11	pretty	65:6 69:17	136:3,5,9
123:11	58:8 82:17	52:14 167:18	86:1 89:10	136:10
158:23	86:20	prevalent	92:1 100:12	145:5,12
174:12	142:21	67:12	134:25	174:5
post	148:4	prevent	142:22	procedural
79:8 178:12	155:24	83:20 148:6	162:7,19	8:3,19
potential	161:12	prevented	165:14	procedure
108:13	165:16	16:24 84:13	166:5	145:24
142:12	177:15	preventing	problem	proceed
146:11	presentation	142:13	15:13,16,17	7:4 12:4
practical	6:10 96:6	previous	23:11,14,23	141:17
162:2	106:18	45:7	30:21 31:2	proceeding
practice	presented	previously	37:18 38:11	195:22
43:10 95:10	15:10 56:3	125:24 190:9	44:21,23,23	process
99:1,10	109:22	primary	47:9,9	32:13,14,14
175:24	110:9	31:4 39:2	62:15 66:19	34:11 39:4
practicing	122:23	75:22 76:5	69:16 71:22	83:22 86:4
13:25	126:15	84:23	73:6,16,17	115:21
Prairie	160:16	121:17	81:16,17	134:4 136:6
150:19	presenting	143:12	82:2 84:7	136:13,14
precinct	83:4 120:10	148:23	91:8 97:16	139:14
19:8 29:19	presently	principles	104:17	150:9
56:16,18,24	66:1	165:4	109:13	152:15,20
57:3 149:20	presentment	printed	119:15	153:19
149:25	95:16 109:25	126:10	120:13	157:17
151:18,19	presents	prioritize	124:18	158:19
154:3	152:24 154:5	132:1	127:23	163:2
precincts	preserve	privacy	130:13	165:18,24
85:2,8	23:18	79:11,24	131:4,17,18	170:2 171:1
precinct's	President	private	132:1,6	174:20
150:11	83:1 86:8	111:23 112:4	133:14,18	175:3 189:9
precludes	90:23,24	112:23	133:23,25	190:6,8,22
152:21	Presidential	113:13	136:8 143:2	192:1
preface	53:24 86:5	116:22	143:22	processes
26:6	143:13	117:1 118:3	145:14	136:3
preferences	Presidents	178:17	154:14	product
5:9	90:14	privilege	158:9,25	63:8
preferred	press	176:15,18,25	159:2,13	Professio...
76:13	126:15	179:19,21	160:5 166:2	82:25
prepare	pressure	privileges	167:9,14,15	program
142:20	89:16 180:9	177:4	167:16,21	121:11
prepared	presume	privy	174:16	prohibiting
133:22	3:17 108:1	150:14	problems	8:10
	presuming		40:4 79:8	promise



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131:5,7	prosperous	25:22 27:2	169:23	qualifies
promote	53:9	27:5,23	purpose	101:17
142:7	protect	29:14,14,15	11:10 30:7	qualify
prone	82:23 142:7	30:4,6 34:4	100:15	98:20 174:25
189:3	152:9	34:16 35:16	153:16	question
proof	protected	36:12,14,17	193:1	8:3 12:4
82:17 84:10	91:17	37:6,12,13	purposes	23:8 33:22
109:21	proud	37:25 38:8	10:12 11:11	38:18 59:1
110:9	157:15	38:20 39:6	15:23 56:21	66:17 67:9
proper	169:12	52:13 67:6	65:23 85:24	68:6 73:10
15:9,11,20	prove	75:25 76:14	171:4,14	78:14 79:25
29:10	12:15 84:21	77:4,11	pursuant	80:16,21
100:11	120:8,12,13	86:22,25	12:19	82:21 92:13
101:11	120:23	143:6,14,17	pursuing	101:24
103:13	122:21	143:20	89:24 170:10	103:11,25
104:19	125:10	144:2	pursuit	109:1,15
144:17	127:24	146:20,24	107:10	115:2
146:23	128:1,2,2	163:25	put	116:11
properly	136:19	184:14	31:15,19,20	137:17
15:15	174:24	187:24	31:21 32:2	138:20
proponent	proved	provision...	50:25 59:17	140:3
172:1	24:18	76:22,23	70:3 72:3	144:24
proposal	provide	77:12	80:7 81:17	153:10
167:25	10:19 11:8	provisions	94:15	155:13
proposed	21:18 36:12	113:12,17	115:25	159:17,18
55:7 142:19	36:17 78:7	psychology	118:10,11	177:17
142:22	79:11	191:10	118:18	183:5,10,25
proposing	125:12	public	121:11,12	186:24
34:3	136:20	4:8 10:15	150:1	187:6,9,17
prosecute	143:15	11:8,9	173:17	193:8
50:1,7 58:15	154:7	71:17 80:3	175:13,20	questionable
58:18 173:9	162:17	83:25 85:4	puts	139:10
173:14	168:1 172:4	85:5 96:4	73:18 184:11	questions
prosecuted	provided	106:16	putting	5:21 11:16
31:17 49:3	78:11 80:14	113:14	31:6	11:16 16:17
69:5 70:25	171:9 172:4	118:16	p.m	33:24 41:22
148:21,22	provides	140:8,12,14	150:21	42:2,5 62:9
173:6,10	10:14 51:15	140:18		73:2 75:17
prosecuting	106:20	191:20	Q	88:13 90:8
58:23 173:11	providing	publicly	qualified	116:19
prosecutor	78:10 88:2	78:8	14:4,5 26:22	121:24,25
30:18 173:1	provision	publish	27:15 28:11	125:19
173:14	12:17 26:9	74:13	28:15 32:11	140:21
177:11	27:2	pull	32:21,25	144:21
prosecutors	provisional	15:23 148:13	72:8,21	147:10
30:14,15	12:14,19,23	purchase	102:1	151:2,5,5
prosperity	14:11 15:21	171:22	144:14	155:10
169:16 184:6	15:21 16:10	purple	146:18	156:5



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161:19	Randall	63:1, 9, 23	reading	136:2
162:2	2:3 11:24	64:1, 6, 14	167:16, 17	146:18
168:18, 19	13:6, 9, 12	64:22 65:3	real	147:8
172:12	13:13, 16	65:11, 16	12:8 62:16	189:10
178:6	17:8, 14, 22	66:13, 22	71:22 83:6	reasonable
181:14	17:25 18:5	67:14, 18, 22	86:12 91:22	4:9 16:3
182:3 188:4	18:20, 23	68:9, 12, 20	115:15	76:2 164:3
193:5	19:14 20:6	69:10, 14, 25	172:24	reasons
quick	20:10 21:1	70:10 71:19	191:4	50:6 86:14
54:2 151:17	21:5, 9, 12	73:12 74:1	realistic	123:25
159:18	21:16, 21	74:8 75:9	131:12, 13	144:19
quickly	22:6, 14	75:12, 19	reality	157:25
17:18 71:12	23:15 24:14	76:6, 16	64:18	192:3
101:5 115:1	25:6, 8, 12	77:13, 16, 21	realize	recall
158:22	25:20, 23	78:12, 17	64:24 65:3	12:17 87:14
174:5	26:3, 15	79:16 80:1	96:13	received
quite	28:2, 5, 9	81:15, 20	176:11	114:1, 22
19:7 45:10	29:13, 23	82:3, 6	realized	169:11
88:5 112:9	30:9 32:19	range	118:18 191:9	receives
125:23	32:24 34:2	171:21	really	42:2
quorum	34:12, 20	rape	13:13 17:18	recession
3:16	35:2, 6, 9, 17	58:24	17:18 23:24	110:21
quote	35:21 36:1	rapes	30:21 42:17	recognize
83:3 126:7	36:7, 13, 20	30:15	42:19 44:16	64:18
127:3, 5	37:4, 15, 19	Raphael	44:21 54:8	recognized
quoted	38:2, 8, 12	128:24 129:4	56:17, 17	3:21
58:12	38:15 39:12	rarely	57:5 58:9	recognizes
quoting	39:16 40:8	73:4	59:18 70:2	10:5
108:22	40:17, 20	Rasmussen	72:21 73:3	recommend
	41:16 42:10	84:1	78:20 87:8	86:11, 16, 17
R	42:14 43:3	rationally	92:8 97:1	102:7
race	43:7, 12, 15	40:13	101:1	159:16
48:2, 3 49:14	44:5, 9, 13	reaching	102:10	recommend...
races	44:20 45:5	59:8	115:1 118:6	86:24 87:9
48:3 180:19	45:11, 19	reacting	127:9, 22	87:15
radio	46:14, 16	114:17	130:25	recommend...
51:25	47:2, 12, 24	126:19	132:4	161:14
raise	49:22 50:10	reaction	137:24	recommending
33:24 34:14	51:11 53:19	39:22 41:7	151:17	87:24 88:12
raised	54:19 55:2	60:12	152:21	record
38:18	55:6, 11, 15	read	154:4	6:14 77:20
raising	55:17, 25	28:20 35:18	reason	85:23 90:15
38:11	56:8, 12, 20	36:21 37:2	4:4 21:17, 22	130:16
ramificat...	57:8, 19, 23	58:1 87:22	50:4 74:23	155:8 183:9
173:11	59:10 61:1	138:16	76:22, 23	records
rampant	61:6, 14, 20	170:6	83:14	84:15
175:19	61:24 62:4	readily	107:23	recount
	62:12, 17, 19	190:14	135:9 136:1	138:21



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recounted	121:16,20	regulation	Rep	25:24 26:5
139:20	125:16	145:23	88:18	27:21 28:3
red	143:25	rehabilit...	repeat	28:7,17
118:19	144:11,11	191:8	153:15	29:9,21,25
reduction	159:4	rejected	repeating	32:12,23
173:18	registering	44:16,17	69:4	33:3,14,16
reference	24:23 59:5	related	report	34:10,13,24
112:16	81:1 114:3	4:13 80:21	85:23 86:1,9	35:4,8,13
referred	registrant	173:11	86:17 166:1	35:19,24
49:16,17,17	94:18	182:15	reported	36:4,9,15
referring	registrar	195:20	84:1	37:1,9,17
43:24 44:2,3	27:12 72:2	relates	Reporter	38:1,5,10
140:17	114:2	80:25	195:4	38:13,16,17
reflection	registrars	release	REPORTER'S	39:14,19
53:6	16:1 51:13	114:1	2:12	40:9,18,24
reforms	Registrar's	relevant	represent	41:2,5,9,13
126:16	75:7	103:25	6:14 60:21	42:7,11,13
refuted	registration	relief	87:21 88:4	42:25 43:5
56:3	13:2 21:23	66:25	90:16,21	43:11,13,17
regard	26:1 29:16	reluctance	99:24	44:7,11,18
25:5 57:18	33:9 37:22	58:21	110:23	45:3,9,18
104:16	49:7 50:18	rely	119:9,11	45:21 46:15
108:11	55:23 56:4	9:7 45:12	130:24	46:21,23,25
regarding	59:8,14,20	remark	141:25	47:3,14
9:13 108:13	68:13 72:13	41:8	147:20	49:15,23
regardless	82:5,7 83:5	remarks	169:4	50:11 53:2
60:20 96:9	87:25 92:17	152:18	188:13	54:7,21,23
182:19	105:5 110:3	remedied	189:25	55:4,10,13
regards	114:22,23	39:2	represent...	55:16,19,24
65:9 66:18	120:11	remedy	3:9,11,13	56:2,10,19
105:16	121:13	130:18 150:4	7:7,8,10,24	57:4,10,14
regional-...	124:14	remember	7:25 8:6	57:22 58:11
173:21	129:10,13	22:12 23:16	9:10,19,22	60:6,16,23
register	129:22	40:4 67:24	10:5,8,9	62:25 65:18
20:15 21:22	133:11	92:14 126:3	11:18 12:3	67:3,4,16
59:19 87:13	146:8 152:8	134:25	12:7,21,25	67:20 68:5
92:24 94:16	160:22,25	140:9	13:4 16:17	68:11,18,21
105:21	161:3	154:21	16:18 17:9	68:23,25
115:24	165:22	155:1	17:15,23	69:12,24
152:7	166:7 196:7	remove	18:4,18,21	70:7 71:9
159:12,12	regressing	33:23 37:11	19:12 20:4	72:24 73:1
161:23	113:7	105:1	20:8,22	73:22 74:3
registered	regressive	174:19	21:3,7,10	75:1,11,16
19:24 33:9	91:14	removed	21:14,20	77:24 80:16
64:15 81:18	regular	146:15	22:2,4 23:7	80:18,19,20
81:23 93:23	29:12 144:14	renew	24:12 25:2	81:19 82:1
94:11 108:9	145:25	170:19	25:7,11,16	82:4 88:19
112:11	158:5		25:17,18,21	88:20,23
				89:22 90:2



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90:5 92:14	136:18,22	180:13,16	86:19	respectfully
98:19,23	136:25	180:20,24	107:22	40:21
99:14 102:2	137:7,12,23	181:7,13,17	137:15	response
103:3,22,24	138:2,8,12	181:23	145:22	39:22 60:13
104:2,5	138:17,22	182:10	171:20	62:24
106:6,19	139:2,11,15	183:1,4,8	176:13	responsib...
108:25	139:19,23	183:16,19	required	176:25
109:4,5,8	140:4,7,10	183:23	84:4,11	responsibly
109:10,14	140:13,16	184:3,18,23	92:18,23,25	177:3
109:24	140:19,24	185:4,8,12	143:15	rest
110:22,25	141:2,6,21	185:15,19	145:24	4:19
111:3,11,15	143:5	185:24	171:7	restrict
111:19,22	146:12,13	186:1,5,8	187:23	25:9
112:1,8,18	147:2,5	186:13,18	requirement	restricted
113:5,8,19	149:8,11,17	186:25	51:10 75:24	18:1
114:25	149:18	187:3,7,10	78:3 171:10	restrictive
115:8 116:2	151:7,13	represent...	requirements	190:8 192:2
116:5,10,17	153:10,11	1:1 7:11	71:17 83:10	result
117:4,13	153:13,20	102:13	85:19 97:19	89:9 133:14
119:2 122:2	153:23	195:7	99:16 160:7	148:23
122:6,8,11	154:17,19	representing	160:15	149:24
122:13,16	154:25	13:7 28:23	161:13	150:5
122:22	155:6,12,15	90:12 119:5	163:11	results
123:2,21	155:20,23	147:13,23	requires	30:13
124:8,20,21	156:1,11,14	157:5 169:1	10:19 106:12	return
124:22,23	156:24	188:18	106:14	38:20 39:10
124:25	157:21	189:23	143:18	44:1 87:1
125:3,18,22	161:19,20	191:25	171:2	143:9,9
126:2,6,10	161:25	represents	requiring	returns
126:12	162:15,25	83:6 157:2	10:24 11:7	114:6
127:2,7,11	164:17,18	Republican	82:17 83:14	revelations
127:15,20	165:5,6	50:2 86:6	108:18	59:3
128:4,8,14	166:6,13	119:6,12	resided	revisit
128:19	167:2,8,13	130:23	148:25	181:5
129:5,9,15	167:22	141:16	residency	Rhonda
129:19,24	172:13,14	144:1	93:13 149:5	1:15 195:3
130:3,6,8	173:2,20,24	168:25	149:6	196:6
130:14,18	174:6,7	169:6	resident	ribbons
130:21	175:14,17	181:15	17:11 106:1	189:24
131:6,8,21	175:22	Republicans	residents	Rice
131:25	176:1,20	50:4 84:6	17:4,6,12	111:19
132:10,15	177:5,6,8	135:7	19:7 56:18	Richie
132:18,21	177:14,23	request	resolve	152:17
132:23,25	178:2,7,8	195:8	126:15	153:14,25
133:9,17	178:11,20	requesting	respect	rid
134:13,16	178:24	85:19 118:1	41:11 112:19	24:7 74:6
134:21,24	179:4,8,13	require	respectful	ridiculous
135:4,12,18	179:16,23	14:9 82:22	60:15	
135:23	180:1,4,8			



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26:16	178:1,20	89:17	12:18 25:25	schools
rig	179:18,19	rooting	26:6 27:25	111:23
18:3	179:19,24	89:23	32:13 33:12	search
right	180:5,7,10	rounding	37:10,11	47:9 143:2
3:15 7:3	180:23	39:8	42:11,17	seat
11:17 13:15	181:22	Roy	43:6,7,8	138:14 139:4
16:9 26:2	183:12,13	192:13	44:6,19,22	second
31:24 32:15	184:6	Royce	50:21 56:5	73:24 106:3
37:15,20	186:25	152:16	57:6 59:23	106:4 107:7
38:1 39:5	187:22	rude	64:2,3	120:12
39:12 41:9	190:1,24	60:14	71:16 78:5	seconds
41:13 52:13	192:20	rule	94:11 114:2	5:16 93:8
52:24 55:8	rights	41:15,17	115:18	151:16
55:9 61:23	91:18 142:8	rules	126:23	Secretary
62:3,11,21	142:8 152:9	6:11 8:20	153:14	13:22 83:1
64:9 74:19	152:10	11:23 144:4	159:7	86:7 121:15
75:20 81:19	179:1	154:2	160:13	section
85:13 86:15	183:25	161:17	161:8	92:13 96:1,2
88:15 92:18	Rio	running	184:25	101:14
92:23 95:23	61:7	16:2 48:11	189:21	securing
96:15 98:5	risk	RV	says	169:18
103:6	51:7	20:25 21:2,3	19:6 28:24	security
109:22	roadblocks	21:11 22:21	34:15 44:22	54:6 72:19
111:24	157:19	RVs	47:6 52:10	83:9 87:10
112:4	Robin	20:12	71:24 83:3	88:9 94:15
113:18	2:4 82:12,15	S	91:24 96:18	102:19
115:23	82:15 85:16	s	96:20 98:14	115:25
118:22	85:21 87:16	30:11 31:17	108:24	161:15
123:5,23	87:18 88:17	85:4	121:15	166:17,22
127:7 128:8	88:22 89:5	safeguards	126:14,18	166:22
137:11	90:1,4,7,10	144:17,18	164:15	168:12
140:24	role	Safety	SB-362	see
141:10,12	3:3 88:1	11:8 96:4	10:6	27:14 28:13
144:19	roles	106:16	scare	29:15 30:23
146:19	29:16	sake	32:3,4 51:20	43:1 58:2
147:6 153:5	roll	105:19	52:8	65:9,23
153:20	94:25 97:13	San	scenario	66:20 69:4
157:18	rolls	19:16 24:21	163:24	75:23 79:24
158:23	13:3 59:17	142:7	school	81:16 82:9
159:3,24,25	59:20 81:18	sat	20:18,19	119:3 125:4
160:3 161:6	84:16 110:9	154:20	85:4 92:4	126:19
161:7,23	120:19	satisfying	96:18 99:25	146:10
163:18	145:21	191:5	100:5	147:17
164:12	160:9	saw	106:24	148:2
165:2	room	71:12 155:20	165:20	154:12
167:10	53:11 91:5	saying	166:20	159:3
170:1 176:2	96:15 120:6		191:11,13	165:11
176:8 177:3	root		191:20	167:19



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170:19	85:20 90:14	separately	157:9 162:7	sicked
172:25	98:14 99:22	9:5	162:8 175:8	180:6
173:18	104:13	September	shelters	side
174:13,22	105:23	85:24	159:25	61:15,16
175:23	107:23	serious	sheriff	69:6 178:21
176:15	109:17,20	18:7,8 114:3	20:18 31:12	sidebar
179:10	111:4 112:6	176:11	shift	109:11
185:2	113:20	seriously	154:10	sides
seeing	115:3	81:22 176:12	shine	3:23 50:9
126:19,21,23	117:10	served	190:13,13	87:9 131:15
seeking	119:7	47:5 142:16	shopping	sign
50:12	130:16	150:12	149:25	52:9 56:22
seen	134:19	157:17	short	80:2 81:10
24:20,20,21	142:5,19,23	service	13:18 39:17	159:7,12
24:21 28:19	144:18	19:22 21:19	74:8 191:23	signature
28:21 48:23	147:14	162:10	Shorthand	69:4 83:8
57:25 61:3	157:3	services	195:3	86:23
64:20 69:7	167:25	20:11 196:7	shortly	signatures
69:10,22	169:2,6,7	session	172:23	29:3 63:11
73:7 82:7	169:25	17:2,2,2	short-term	63:14 69:22
132:8,11	172:2	113:10,10	190:16,17	120:18
segment	188:12	133:12	show	173:7
62:6	Senate's	sessions	33:20 39:10	signed
seldom	8:13	22:13,17	50:19 70:1	63:12 69:8,8
33:13 57:23	Senator	23:18 113:9	71:14,15	69:17 115:4
self	23:16 48:2	set	112:20	151:21
176:23	50:21 92:9	3:19 37:5	115:19	significant
sell	94:23	80:10	144:6 174:3	39:18,20
49:18	152:16	seven	174:20	107:20
Senate	Senators	26:11 27:8	showed	127:3
4:16,17,19	18:13	38:20 62:20	34:16 85:5,7	signing
5:5,6,8,9	send	shape	111:5	70:9
6:17,21 8:7	166:21	169:10,10	165:17	similar
8:15 9:7,9	sending	share	167:9	77:14 96:8
10:12,14,16	176:12	125:5 130:21	showing	97:16 99:1
10:18,23	senior	189:2,11	84:16	99:3 145:4
11:14 12:12	90:25 102:14	190:20	shown	150:22
13:8 14:8	133:19	191:24	114:11	152:11
17:10 18:19	seniors	shared	shows	simple
19:9 24:25	121:8	192:7	29:10	15:19 137:3
31:8 33:17	sense	sharing	sic	simplest
33:19 34:25	55:20 95:15	192:14	20:10 38:21	10:18
36:6,16,20	sensitive	sheet	103:4	simply
37:16,18	50:8 54:8,15	55:13 158:14	113:24	9:17 15:5
51:14 53:1	sentence	158:14	141:7,11	33:20 35:25
65:9 66:1	87:23 151:14	167:9,10	146:1 148:6	58:4 86:13
66:20 82:13	separate	shelter	160:6	88:8 99:23
82:16 83:12	50:12 146:25		182:16	100:16



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103:17	123:7 124:7	8:5,22 9:16	122:3,10,12	166:22
160:7	124:12,24	9:21,24	124:22	168:12
183:10,24	125:2,11,21	10:3,8,9	127:13	society
simultane...	125:25	11:21 12:5	130:6	53:17 136:12
87:11	126:5,9	12:16,24	134:13	190:25
single	127:1,4,8	13:1,5,11	140:20	socioecon...
14:24 151:25	127:12,17	13:15 16:13	141:1,4	79:1
186:17	127:22	22:10 33:14	147:10,12	soft-spoken
sir	128:5,9,17	40:22,25	147:17,19	149:14
16:18 80:17	128:21	41:4,6,10	148:8,12,16	sole
85:16 93:22	129:7,12,17	41:14,17	149:15	11:10
94:4 98:2,8	129:23	42:8 46:23	151:4,9,11	solution
99:9 109:23	130:1,5,9	54:21 60:4	151:15	23:14 54:17
110:11,24	130:17,20	60:7,18	153:1,3,6	73:6,23,24
122:12	131:2,7,10	66:25 68:23	153:11	119:14
124:19	131:23	75:20 76:9	155:7,14	134:10
132:20	132:5,13,17	76:24 77:8	156:5,8,10	143:2
138:1,11,25	132:20	77:19 78:1	156:13,20	solutions
161:24	133:6 134:2	78:16 79:7	157:1,22	74:4
172:21	134:15,20	79:23 80:11	159:17	solve
177:13,22	134:23	80:17 82:10	160:1,4,14	124:18 131:4
178:3,10	135:3,11,17	85:13,17,22	161:2,11,18	131:9
183:18	135:20,24	87:17,20	163:8,16,21	133:11,13
sit	136:21,24	88:18 90:8	164:6,21,24	133:24
31:11	137:3,9,13	90:11,20	165:3	158:24
situation	137:25	91:1 93:8	167:24	solved
20:23 31:11	138:5,10,15	93:18,23	168:11,15	131:19 136:5
134:3	138:19,25	94:2,9	168:22	169:20
172:19	139:9,13,17	95:12 96:25	170:24	solving
180:13	139:22	97:4,25	174:6 177:5	131:3 133:25
193:13	140:2,6,8	98:3,6,13	178:5	somebody
situations	140:12,21	98:21 99:3	186:22	24:5 27:11
27:19 144:15	140:22	99:12,18,21	187:2,9,16	44:22 54:20
146:20	141:7,10	100:6	188:4,9	56:6 62:5
150:14	sleeping	101:19,23	192:18,20	65:4 69:17
152:11	159:22	102:4,12,17	192:25	69:19 70:5
six	slight	102:23	193:3,7,11	75:14,15
4:12,12	105:18	103:1,7,23	193:15,18	136:1
121:1	small	104:8,12,22	193:20,25	181:18
158:18	20:13 37:2	105:1	SMU	somewhat
166:1	108:2	106:11,20	101:22	16:15 190:8
skip	131:17	107:2,19	Social	son
105:20	192:15	108:7,23	54:5 65:24	181:9
Skipper	smart	109:2	72:19 83:8	soon
2:6 119:5,10	134:9	116:19	94:15	131:19
119:11,17	Smith	117:6	102:18	sorry
122:15,20	3:1,4,5,15	118:13,23	115:25	12:5 16:14
122:25	7:8,13 8:1	119:1,4,16	166:17,22	40:22,25
		121:25		



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90:22	specifically	started	statement	172:21
102:25	106:12	4:3 127:9	134:17	173:3,23
103:6 106:5	146:25	129:3 157:8	154:21	174:2
117:13	spend	starting	statements	175:10,15
122:13	4:11 44:6	13:22	134:17 155:1	175:18,23
130:1	spent	state	states	176:14,22
149:14	3:21 20:1	3:18 6:2,13	30:2 42:16	177:13,22
151:10	23:9 30:12	10:19 11:12	46:18 68:8	177:25
156:3 177:6	177:18	14:23 17:13	83:6 85:20	178:4,10,15
177:6	188:23	18:7 30:25	87:12 88:1	178:23
192:19	spoiled	31:1 39:21	92:20 95:5	179:3,7,11
sort	173:7	39:23,25	97:1 112:16	179:15,21
10:20 61:12	spoke	48:2,6 77:7	114:13	179:25
61:18 78:7	6:4 150:17	82:14 83:1	117:20	180:3,7,12
154:21	spot	83:17 86:7	137:4	180:14,18
162:14	22:22	86:19 90:16	164:15	180:22
sorts	sprayed	96:9,14	statewide	181:6,12,16
24:17	180:9	98:18 99:25	48:3 65:7	181:22
sounds	spring	100:4,5,21	77:3 78:4	182:9,25
36:18 101:5	25:14 148:1	101:17	State's	183:3,6,15
source	148:23	108:8 113:3	13:22 121:15	183:18,21
49:24	150:12	113:14,15	state-issued	184:2,4,22
south	152:13	115:23	93:15 97:8	185:2,6,10
61:4 112:17	St	117:2 118:2	97:18	185:13,17
145:6	101:22	118:4 119:8	statistical	185:22,25
Southern	Staff	121:19	45:1 46:5,17	186:3,7,11
111:6	142:3	125:15	statistician	186:15,20
speak	stand	126:12	45:12	187:6,15,19
7:16,19	6:9 70:3	130:15	statistics	188:7
60:20 157:6	standard	136:10	42:16 76:19	steps
speaking	95:17,18	141:24	status	79:9 87:13
6:8,9 51:12	100:14,17	142:22	114:5,23	Steve
51:13	101:9	145:16	144:12,13	169:5
speaks	109:25	147:19	145:22	stick
6:2	110:1	150:2	statute	16:14 137:20
special	standing	153:19	92:5,19	sticking
15:21 26:8	48:21	155:16	96:20	125:1
27:22 30:6	standpoint	157:14	staying	stolen
34:4 36:13	79:12,12	163:11	130:9	84:10 158:3
37:5,24	Star	169:3,9,11	stays	159:19
152:4	174:23 175:1	170:4	129:25	160:17
172:25	Starr	173:16	step	161:4
173:13	64:9	175:20	47:22 126:25	163:13
177:11	start	188:13	128:15	stood
181:20	71:20 91:4	195:2,4	170:1	135:13
specific	126:19	stated	174:18	169:13
12:17 73:9	174:3	46:1 125:13	Stephan	stop
111:10		177:19	168:24 169:5	17:10 74:18



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121:22	117:17	135:5	28:23	164:13
151:2 153:4	119:19	suffering	supporting	169:23
stopped	students	125:9	62:7 171:6	179:25
15:17	91:10,12,15	suffer-age	supportive	180:3 181:4
stopping	91:17 93:11	123:6,9	141:11	182:12,19
142:12	93:15 95:3	141:9,15	142:25	183:11,14
story	96:1,11,11	sufficient	182:2,4	183:20
163:11,25	96:23 97:1	26:20 101:4	suppose	186:23
164:8	97:21	117:2	100:20	187:4,5
191:23	101:22	168:12	supposed	193:2,8
straight	102:9	suggest	16:10 65:12	sustained
16:21	110:15,23	31:3 40:21	80:6 123:18	150:3
strange	112:10	45:15	123:19	sway
63:15	113:22	suggesting	suppress	192:16
street	114:1,2,7	74:12 76:17	46:9 85:10	swing
126:11	114:19,21	suggestion	133:20	114:13
159:22	115:5,10,10	98:22	134:1	switch
195:9,17	116:13,22	suggestions	suppressed	156:17
strengthen	117:23	8:19	46:9 124:17	sympathetic
126:15	118:3,3	Suite	124:19	163:17
stricken	145:5,17	196:8	suppression	sympathize
96:7	191:11,18	sum	85:1 128:10	123:10
strict	study	167:6	133:15	system
121:4	17:1 85:2	summarizes	134:4	18:3 73:13
strictly	152:15	87:23	Supreme	87:24 89:14
68:8	153:18	summary	46:18 96:18	89:15 91:6
strike	stuff	10:13 75:21	171:17	135:22
113:3	30:16 31:19	summer	sure	137:5,6,10
stringent	117:24	152:13	7:13 8:9	137:14
83:12 85:18	179:22	summoned	15:1 16:20	150:6
strive	subdivision	173:4	17:16 20:23	
105:11	98:18 101:17	supplied	26:25 27:11	T
strong	subject	38:24	28:14 31:23	tackle
27:3	4:14 5:1	supply	31:24,25	132:2 136:7
strongly	88:5 171:24	27:15,15	32:25 33:2	take
144:16	submitted	52:16	33:8 53:21	6:17 40:10
structure	75:4 195:15	support	63:5,18	48:18 53:23
76:1	Subsection	55:3,7,8	65:5 79:15	58:22 62:24
struggle	117:15	83:23 84:13	79:19 83:19	68:3 123:12
172:20	substitute	119:13	84:20 89:11	124:13
student	5:8	172:8	89:12,16	129:19
90:25 96:16	successes	177:16	94:8 101:13	136:15
97:23,24,25	189:25	182:11	123:17	141:17
98:9 99:23	successful	183:14	124:5,10,12	150:2
99:25 101:7	53:17	supporter	125:25	151:15
101:17	successfully	178:18	137:21	161:13
107:13	173:9	supporters	141:12,14	165:25
	suddenly		147:7,21	174:17



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175:13	103:8 108:7	63:10 71:21	56:11 105:4	141:8 144:9
176:12	109:18,19	77:3 78:18	170:18	144:25
177:2	119:22	79:3,7	testified	145:4
184:25	135:1	90:21 93:20	55:5 127:18	168:23
190:21	159:21	97:4 134:12	170:25	172:16
192:9	174:11	138:10	testify	174:3,8
taken	176:3	139:3	3:18 4:6,8	Texans
24:15,16	180:25	157:10	6:13 12:1	83:22 169:8
86:13	184:9	158:11	13:8 82:13	170:22
119:24	talks	160:24	82:20	Texas
174:14	184:12	162:13	100:24	1:1 17:19,21
175:2 176:4	tangential	169:17	130:10	18:6,11
190:4	189:3	190:1 191:6	132:8 139:1	19:23,24
195:22	taped	telling	150:21	20:1,25
taken-for...	154:23	6:5 35:22	172:23	21:4 23:2,3
190:22	Tarrant	51:23 62:13	testifying	24:20 49:6
takes	150:23	70:21 75:13	6:16 82:16	61:5 62:1
5:22 158:18	taught	185:4,7,9	90:14 119:6	68:6,8,10
161:8 166:1	191:11	187:11	147:14	83:17,23
166:3,21	tax	tells	157:3 164:8	84:7 90:12
190:20	21:25 22:3,3	34:7 35:10	168:25	90:24,25
talk	22:5,6 93:3	47:13 75:14	188:11	91:24 92:3
17:18 40:12	114:6	temper	testimony	93:21 94:5
40:13,14	171:17,23	128:23	2:2 4:25	94:14,16,20
43:1 52:7	taxpayer	temporary	5:15 6:14	94:25 96:13
63:15	177:16	150:17	6:21,22	96:13,17,17
114:25	teacher	ten	11:7 13:20	96:18,19,20
120:24	191:12	6:5 61:22	26:7 30:2	97:14 98:1
128:25	teaching	157:9	37:3 42:3	99:8 100:21
165:12	191:20	158:18	47:15 49:25	101:7,20
talked	Tech	166:1	50:6 53:4	106:1,23
16:19 95:14	114:1	173:25	54:18,25	108:4
102:14	technical	191:12,19	55:21 56:11	113:23
130:13	11:6 146:9	ten-vote	60:12,13	114:8 115:1
158:23	technology	63:13	68:22 70:8	115:5,24
175:7 181:2	169:25	term	75:17 76:25	116:13
talking	television	47:19	80:13 91:4	118:4 119:5
36:10,18	71:24	terms	91:19	119:11
37:18 43:19	tell	16:21 17:16	103:21	121:19
47:20 48:25	14:14 16:4	38:14 47:6	105:14	122:15
56:9 57:15	21:24 27:4	76:14 85:19	116:18	125:15
57:19 60:2	27:18 29:2	100:9,17	118:16	126:14
65:6 78:23	32:6,19	101:9	119:21,25	135:19
78:24 79:1	33:6 34:6	107:11	125:14	142:7
79:21 91:16	34:22,23	146:21	132:24	143:16
99:7,8,10	38:4 46:20	151:12	134:18	145:6,7
99:13	47:23 48:19	161:14	140:9,12,18	147:22
102:24	49:5 51:16	test	140:18	150:19,19



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158:20	177:7 178:2	157:23,24	109:7,10,16	26:8 27:13
166:24	178:4,8	165:18	110:2	52:17,19
169:1,10	187:14	171:16	114:15	80:25
170:5 171:8	188:5,7	176:10	115:13,17	third-party
181:3,20,21	193:6	178:13,18	116:2	81:10
181:25	theirs	182:17	117:11	Thirty
182:1	120:11	190:18,19	118:6,13,13	93:8
183:13	theory	191:3	121:10	thought
187:14	95:7	think	123:13	31:13 69:19
188:12,16	therefor	7:3 9:6 12:7	127:4	127:2
195:2,4,6	146:7	17:6 26:24	128:15,18	137:14
195:10,18	thing	27:7,9	130:13	172:18
196:6,8	7:14 14:4	34:10,24	131:12	177:7
text	25:22 30:1	36:9 37:4	132:7 133:7	thousand
95:23	31:7 34:23	41:24 42:20	133:16,21	49:1
thank	40:11 44:25	44:20,21	134:9,25	thousands
9:22,24 13:4	80:4 93:3	45:23 46:16	135:17	20:3 24:9
13:9 16:14	93:10 102:6	49:13 50:23	136:4,21	191:18
54:18 60:6	106:3,4	52:1 53:18	138:5,6,20	three
66:23 68:18	107:3,7	54:7 55:11	141:15	5:15,19 17:7
75:16,18	112:14	56:9 57:15	148:5 152:6	22:13,17
80:11 82:10	118:14	57:16 59:1	154:14,22	30:2 33:4
82:19 85:12	137:4,21	59:2,6,7,9	156:6	73:8 93:19
88:16,20,22	149:23	59:12 60:7	163:21	112:16
90:6,7,9,10	160:23	60:14 61:25	164:10	138:21,23
91:1 93:9	162:14	62:19 65:13	165:3	139:12,16
109:5,6	173:21	65:19 66:16	166:11,11	143:11
116:17	188:16	71:19 73:24	167:5,6	148:7
118:23,24	things	74:1,3,4	168:7,8,10	182:25
121:23	14:13 15:12	75:2,2,21	168:11	183:7,22
130:3,9	24:17 28:24	76:18 78:5	170:1	184:10
132:15,17	28:25 42:15	79:21 80:12	171:24	188:23
140:21,22	47:4 63:5	81:1,9,12	173:17	three-yea...
141:20	69:1 70:1	81:14 82:22	174:9 176:1	181:9
142:1	70:14,22	83:17,18,24	176:7,8,11	throw
144:23	73:8 74:11	86:9 87:5	177:17,19	26:18
147:11	76:18 81:8	88:15 89:9	177:20,23	thrown
148:3,10,17	90:19 91:3	89:10,19,21	181:19	180:5
151:16	102:21	91:9 92:2	187:19	thumbprint
153:8 155:6	103:18,20	92:21 93:18	189:12	137:16
156:1,8,9	105:17	96:14	190:10,11	tickets
157:4	123:13	100:11	190:18	162:24
159:16	128:25	103:15	192:15	tighten
167:22	131:14	104:2,9,10	thinking	134:3
168:20,21	135:6,13,15	105:8,18	91:5,6 128:5	time
168:21,22	135:21	106:18	thinks	3:22 4:10
170:23	139:7,8	107:23,25	152:22	5:17,20
174:7,8	151:3	108:11	third	6:15,20 7:1



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7:2 9:25	13:7 37:15	170:12 182:7	Trinity	109:17
12:10 13:5	40:12 82:20	track	101:22	110:2 116:7
13:19 15:11	118:17	30:8 58:19	111:17	125:16
20:2 23:9	119:23	189:3	163:4	133:20
23:24 24:17	125:4 129:3	trait	trouble	134:1
26:12,16,18	132:22	188:19	23:13 160:18	136:23
26:20 39:17	133:8	transcribed	161:6	142:11
40:23 41:7	140:18	1:15 195:8	troublesome	164:13
44:6 48:11	152:8	195:12	41:4	165:13
53:15,20	160:22	transcript	Troy	174:17
54:2 58:23	163:22	165:19	81:11,13	186:23
67:24 70:18	164:8	195:15	true	187:25,25
72:14 76:2	174:16	transcripts	16:10 30:14	188:3
82:12 88:16	181:14,15	102:8	31:16 50:10	turn
90:11 110:5	185:5	transfer	52:3 58:6	19:15 32:24
118:17	191:25	144:6	62:1	46:8 76:10
119:4 127:6	Todd	transition	truly	turned
128:25	81:14	86:17 87:4	26:21	15:4 32:2
131:9	told	transport...	Truman	52:24 75:6
147:12	28:21 35:1	162:17,19,21	85:4	76:21 95:3
148:5	67:1 143:8	162:22	trusting	96:24
151:11	166:6	184:19,21	137:5	112:12
153:9,22	tolerate	trauma	truth	114:21
156:9,20	175:19	189:7	32:6,20	turning
157:1	tomorrow	travel	try	33:5
158:17	175:11	20:12 176:15	16:7,14	turnout
164:4 166:3	tonight	traveled	18:14 25:13	45:6 46:17
168:24	3:24 125:1	3:17	47:8 65:17	85:6,10
170:23	175:11	Travis	70:24 78:22	turnouts
171:23	tool	5:14 92:6,11	107:4	39:24,25
176:20,22	74:19	93:24 94:10	109:11,14	turns
188:9,10	top	94:17,19,21	124:16,17	69:18
190:19	22:12	97:7 105:21	133:11,18	Twenty-seven
192:22	tossed	106:2 110:4	134:5 148:7	134:23
times	43:23,23	195:1	158:10	two
48:17 69:9	total	tread	159:4	11:4 15:12
84:16	77:4	192:4	161:22	17:6 26:7
127:19	totally	treat	165:17,21	26:16 33:4
138:21,23	18:1 48:20	60:19	165:22,24	39:10,16,17
139:12,16	48:22 107:9	treated	166:24	42:10,14
192:22	152:2	191:7	189:2	47:4 54:12
timing	totals	tried	trying	67:7 71:15
5:13	29:24	24:8 25:6,8	18:3 23:18	73:8 87:8
tired	touch	25:9,12	50:17 53:20	96:5 100:18
4:3	47:4	61:5,6,7,8	54:16 61:11	102:11,11
today	touched	64:7,8 82:9	67:6 89:24	105:17
3:19 4:5	78:15	123:11	91:12,13	106:17
11:24,25	town	144:5	105:11	108:17



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111:4 112:2	137:7	195:13	140:13,16	usually
112:21	163:15,20	understan...	140:19	166:2 194:1
113:2	164:5	11:13 13:3	149:8,11,17	utility
131:15	166:15	33:19 53:15	149:18	102:10
142:21	167:12,23	95:20	151:7	117:16
151:17,25	175:14,22	101:13	156:11,14	145:15
166:16	179:3 182:9	105:23	156:24	U.S
171:5 172:5	185:12	139:18	164:17	91:11 96:18
172:5 184:8	192:24	156:15	uniformly	112:11
190:18	193:19	uneducated	75:10	115:9,16
193:8	unable	71:6 78:25	uninterru...	176:17
two-day	143:19	unfair	5:19	U.T
38:18,19	144:13,13	153:7	Unit	90:13 107:14
two-thirds	145:25	unfairly	177:11,11	114:8
26:11	unacceptable	157:20	United	
two-year	152:2	unfortuna...	46:18 137:4	V
54:11	unconstit...	7:14 27:3	164:15	v
type	171:18	31:19	universities	142:16
17:23 18:25	UNCW's	UNIDENTIFIED	113:13,13,14	valid
19:19 36:23	114:19	7:25 9:10,19	116:22	86:24 87:2
93:1 144:15	understand	9:22 11:18	118:3	98:15
145:24	4:25 7:6	22:4 23:7	119:20	validly
174:4	20:23 34:2	24:12 25:2	university	112:11
177:12	37:19 39:13	25:7,11,16	83:23 90:25	Valley
189:16	40:8 52:4	42:13 44:7	93:21 98:1	61:5 63:6
types	55:21 58:25	44:11 46:25	101:6,19	varied
89:17 112:2	65:12 75:13	47:3,14	106:23	156:15
typically	86:15 87:6	49:15,23	111:7,13,17	variety
16:25 61:10	87:20	50:11 53:2	112:4	3:17 39:21
146:4	102:23	54:7 55:24	113:22	86:13
158:17	103:2 104:8	57:14 60:16	114:8 117:1	116:24
165:25	105:15	72:24 73:1	unproven	164:1 189:6
166:18	108:19	75:1 77:24	142:13	various
	109:7,11,16	98:19,23	unsupervised	4:2 124:3
U	116:25	99:14 102:2	48:20,22	182:17
UFOs	128:24	106:6,19	67:15	vary
132:11	130:17,20	109:8 119:2	urban	103:11
uh-huh	132:13	124:20	70:20	varying
18:4 21:20	142:11	129:5	use	146:4
25:11 35:8	149:5	132:18,21	5:7 11:11	Veasey
56:19 57:22	156:22	132:25	41:24 83:6	80:16,18,19
102:16	163:16	133:9	84:8 97:23	80:20 81:19
104:11	167:25	137:23	101:15	82:1,4
106:19	168:2	138:2,8,12	162:4,6,8	122:2,6,8
107:1 108:6	176:17	138:17,22	169:22	122:11,13
125:18,19	179:17,17	139:2,11,15	193:21	122:16,22
127:11	179:18,24	139:19,23	useful	123:2,21
128:4 135:3	190:7	140:4,7,10	74:19	124:8



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140:24	Vice	9:15 11:3	85:7 87:3	170:4
141:2,6,21	3:7 10:1,2,4	12:10,13,22	92:6,11,16	176:23
153:10,12	11:15,20	14:5,5,11	92:24 93:5	177:3
153:13,20	12:2 60:23	15:8,9,20	93:24 94:5	179:18,19
153:23	60:24 61:2	16:9 19:10	94:8,10,17	182:5,23
154:17,19	61:10,17,23	19:11 20:2	94:21,21	183:12,20
154:25	62:3,11,14	20:2,15,21	95:9 96:17	184:6,13,16
155:6 178:7	62:18,21	21:8 22:7,7	96:20 97:24	185:1
178:8,11,20	63:2,18,25	22:16,23	98:12 99:22	186:17
178:24	64:4,13,17	23:25,25	101:4,8	187:5,5,22
179:4,8,13	65:2,8,15	24:1,15,23	102:18	187:24
179:16,23	66:12,16,23	24:24 26:22	103:20	188:1,2
180:1,4,8	77:6,9,15	26:23,23	104:3	190:6
180:13,16	77:18 90:24	27:15 28:15	105:24	193:16,18
180:20,24	106:10	28:16 30:20	106:1 107:4	193:22
181:7,13,17	141:20	30:24 32:7	107:8,17	voted
181:23	142:1	32:8,9,11	111:7 112:6	4:17 24:10
182:10	144:23	32:16,21,22	112:24	43:20,20
183:1,4,8	145:3,11	33:11 34:1	113:2 114:8	45:17 46:2
183:16,19	146:12	34:4,5,9,18	114:10	58:2 59:23
183:23	Vice-Pres...	34:21,22	115:16,24	64:12 65:4
184:3,18,23	145:1	35:12,16	118:4,5	69:15 71:4
185:4,8,12	victimizing	36:3,5,24	119:20	82:9 84:17
185:15,19	126:17	37:7,20,23	121:20	93:16
185:24	victims	37:24 38:3	123:16,17	116:15
186:1,5,8	126:20	38:6 40:5,5	123:24	120:20
186:13,18	view	44:2 46:9	124:11	148:25
186:25	131:21 190:2	48:17,19	133:4,7	171:24
187:3,7,10	views	49:17,18,19	134:1,5	voter
vehicle	60:21	49:20 50:24	135:25	9:13 10:19
4:21 6:18	violations	52:2,3,6,13	137:17,20	11:2 13:1,2
8:7,10,17	148:2	52:15 56:15	141:10,12	14:4,19
8:24 9:8	violent	56:23 57:21	141:15	15:6,7,8
vehicles	58:24 184:5	58:9,10	143:10	16:22,22,24
21:13,15	Virginia	59:6,12,13	144:7,11	17:19,21
Verez	91:11 110:14	59:21,24,25	146:18,21	18:1,11,24
146:5,7	113:25	60:1 62:8	147:9	18:25 21:23
verified	114:1,4,14	66:5,14,14	149:20	26:13 27:10
86:23 109:21	virtually	68:4 72:1,7	151:19,24	27:11,13,14
114:20	58:15,18	72:10,21,22	152:8	28:18 29:16
verify	voiding	72:22,23	157:13,18	30:5 31:14
27:6	114:5	73:15 74:6	158:7 159:5	31:17 32:14
version	Volume	74:6,25	159:8,13,16	33:9,25
52:1 172:2	1:7 194:3	75:5 79:15	160:9	34:15 36:22
versus	volunteer	79:18,18	161:23	37:1,22
57:16 142:13	155:18	80:3 81:1	162:3,12,18	39:3 40:1,1
veterans	vote	82:8,9,22	163:19	43:9 45:6
157:15	5:5 6:18 9:5	83:15,24	164:7,12,14	46:3,8 49:7
		84:5,14	169:18,24	



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49:24 50:7	144:3,16	151:20	122:25	44:25 47:3
50:12,15,18	145:20	vote's	123:7 124:7	47:18 53:3
52:9 55:22	146:8 152:7	72:8	124:12,23	54:14,17
58:16,20	160:22,25	voting	124:24	57:21 58:9
59:14,20	161:3	11:11 14:24	125:2,11,21	60:8 63:10
61:12 63:7	164:16	15:6 16:20	125:25	68:25 72:20
63:7,8	165:22	16:23 17:5	126:5,9	73:1 74:4
64:19,20	166:7	17:11 18:12	127:1,4,8	74:24,24
65:10 67:11	169:20,25	19:1,2,5,8	127:12,17	79:20 80:7
68:13 69:12	170:10,20	19:8,20	127:22	85:22 105:2
71:20 72:13	171:8 173:4	21:15 23:19	128:5,9,17	105:3,6,8
75:7 76:4	173:5	32:16 33:18	128:21	105:19
80:5,21	175:19	49:9 56:4	129:7,12,17	107:14,15
81:2,9,12	voters	63:22,24	129:23	115:1,15
82:7,17	28:6,11 40:6	64:16 65:22	130:1,4,5	118:10
83:20 84:8	42:19 84:2	66:9 70:8	130:17,20	123:14,17
84:17 85:1	84:23 86:19	76:22,22	131:2,7,10	124:18
85:6,10	86:20,24	80:2,24	131:23	125:11
89:6,8,8	87:13,25	82:18 83:25	132:5,13,16	126:16
92:17,20	88:2 90:2	85:8 89:19	132:17,19	130:8,15
94:25 105:5	108:9	91:18 97:13	132:20	137:24
114:22	121:16,20	115:23	133:6 134:2	139:6
116:8,12	125:16	123:15,16	134:15,20	141:18
119:22,23	126:16	123:18,20	134:23	142:8
119:23,24	133:20	124:17	135:3,11,17	157:13,16
119:25	143:19	137:22	135:20,24	158:6,7,7,8
120:1,2,8	147:7	152:10,21	136:21,24	158:15
120:10,13	151:25	163:5 170:2	137:3,9,13	163:9 164:9
120:17,21	171:11,20	170:10	137:25	172:8 181:4
120:22	Voter's	171:4 192:1	138:5,10,15	181:9,18,24
121:12,22	84:9	V-A-S-E-Y	138:19,25	181:25
121:23	votes	182:16	139:9,13,17	183:2,5,10
122:18	16:12 26:25	V-A-S-L-E-Y	139:22	185:1
123:24	43:6,22	182:16	140:2,6,8	188:17
124:14,15	44:4 49:1		140:12,22	193:3,7,8
125:8 127:9	58:17 76:4	W	wallet	193:11
127:24	78:2 118:11	wait	194:2	wanted
128:10	118:12	42:25 56:2	want	8:2 77:19
129:10,12	121:6	walk	8:18,20	80:20 94:13
129:20,21	133:19	57:20 163:6	16:15,20	141:7,14
131:3 132:6	136:16	walked	17:15 20:22	187:1,4
133:11,15	138:3,3,3	32:2	21:17 23:8	wanting
134:6 135:9	138:13,20	Wall	31:7 32:6,9	74:23 79:18
135:21	138:24	126:11	32:19 35:5	wants
136:2,10	139:5,10,20	Wallace	37:10 38:3	13:14 96:17
141:9 142:8	139:25	2:6 119:5,10	38:6 40:3,3	97:10 118:2
142:12,13	143:13	119:11,17	40:10,23	128:21
142:25	146:14	122:1,15,20	41:22 42:12	warning
143:15				



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5:13	wedge	50:16,21	121:9 128:6	2:2 5:15,17
Washington	135:10	56:8 63:5	128:22,23	11:22 41:19
180:15	weeks	63:15 70:15	136:2,9,9	60:18 73:3
wasn't	158:18 166:1	72:2 73:25	142:10	155:11
30:20 33:25	166:21	78:23,24	172:16	156:6
43:18 44:3	weigh	79:1 87:24	176:2	170:25
68:10,11	142:11	89:23,24	whatsoever	188:5
139:13	welcome	91:12,13	53:20 160:7	witnessed
watch	3:16 13:8	100:8 101:1	184:17	148:1 150:13
73:5	75:19	103:7	wherewithal	witnesses
water	went	104:10	185:14	3:23 4:11
102:15 180:8	29:4 30:19	105:10	whichever	7:5 41:11
way	31:22 59:22	108:7	69:5	41:22 42:1
13:17 15:19	65:4 69:15	109:18	whip	42:6 123:3
18:15 22:15	69:15,18	113:6	23:23	153:4,7
23:23,25,25	71:1,4,5	115:18	whoa	156:15
30:18 39:1	92:9 106:9	116:7	35:19,19	173:8
41:8 42:3	110:15	119:22	90:17	192:23
51:17 52:15	135:8	124:15	186:22,22	woman
53:1 54:5	150:21	127:23	186:22	65:4
54:16 61:12	161:22	133:7,25	widely	women
65:13 66:1	weren't	134:4,5	81:3	28:6 42:19
72:11 73:12	37:14 112:10	137:9	Wiley	180:19
73:21 76:1	122:24	144:19,20	179:11,13	won
76:11 78:22	142:24	156:22	willing	139:21
95:11 100:9	154:2	164:13,24	70:16 124:2	wonderful
100:17	West	166:18	124:9,16	169:11
101:9	152:16 195:9	174:11,15	182:11	176:18,18
105:22	195:16	174:17	willingness	Wood
120:12,16	we'll	176:3,12	118:8	2:3 11:25
120:21	30:22,23,23	178:12	Wilson	13:6,9,12
129:10	42:4 46:12	180:25	195:8,16	13:13,16
131:17	46:13	186:16	winning	16:13,19
133:2	128:12	188:3	61:15	17:8,14,22
135:13,14	131:5,19	189:17,22	wish	17:25 18:5
159:3 160:5	134:11	we've	4:8 5:23 6:6	18:20,23
160:11	136:7	17:1 18:12	11:24 40:4	19:14 20:6
163:7,7	147:17	18:15 22:10	60:10,11	20:10 21:1
164:13	148:9	23:22 24:1	79:14	21:5,9,12
174:9,24	156:21	28:24 49:16	126:18	21:16,21
175:8,10	159:12	49:25 54:10	134:12	22:6,14
176:4	165:12,19	70:20 95:14	174:9	23:8,15
188:18	we're	100:7	187:18	24:14 25:6
189:4,4	4:22 5:14,22	102:12,12	wished	25:8,12,19
ways	6:16 7:4	102:13	126:24	25:20,23
79:13	14:13 36:18	115:14	wishes	26:3,15
Webb	38:5 41:6	119:24	4:6 9:4	28:2,5,9
24:19	41:24,25	120:6,17,21	witness	29:13,23



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30:9 32:19	132:22	70:18 91:10	42:13 61:6	23:16
32:24 34:2	163:22	91:20	68:12 76:24	Zapata
34:12,20	Wood's	115:14	122:8 124:8	64:10
35:2,6,9,17	132:24	121:1 127:9	136:24	Zavala
35:21 36:1	Woolens	135:9	151:9,16	64:10
36:7,13,20	25:3 62:22	155:18	178:15	zero
37:4,15,19	62:25	157:7,11,12	187:2	116:3
38:2,8,12	133:17	157:12	year	
38:15 39:12	word	works	32:1 114:11	\$
39:16 40:8	149:3,22	58:13 163:2	126:12	\$1.50
40:17,20	173:16	world	127:16	171:18
41:16 42:10	175:20	91:22 137:10	years	\$10
42:14 43:3	words	169:14	14:15 15:1	107:13,14
43:7,12,15	68:15 149:19	176:15	18:14 33:4	171:19
44:5,9,13	work	worst	33:10 43:10	\$2
44:20 45:5	13:24 42:3	164:7	54:12 60:3	118:9
45:11,19	70:16 95:8	worst-case	62:20 70:19	\$23
46:14,16	124:2,9,16	163:24	92:4 96:5	158:22
47:2,12,24	128:12	worth	106:18	\$25
49:22 50:10	131:1,3,5	80:20 177:18	120:4,5,25	107:16 167:5
51:11 53:19	131:17	178:22	121:2 126:8	\$35
54:19,23	135:15	wouldn't	133:1 157:9	140:15
55:2,6,11	136:9	37:13 38:14	191:12,19	\$43
55:15,17,25	154:10	55:2 146:8	yellow	171:11
56:8,12,20	158:8	148:1	5:16	\$50
57:8,19,23	170:15,16	180:11	yesterday	166:2,2
59:10 60:25	192:5	write	3:22,25	0
61:1,6,14	worked	74:24	13:20 38:19	
61:20,24	18:13 23:15	writing	45:22 47:15	0003
62:4,12,17	42:17,19	81:7	49:25 50:6	39:6
62:19 63:1	70:22 92:6	written	53:4 58:13	
63:9,23	92:7 95:5	53:1 55:8,18	76:25	1
64:1,6,14	113:10	66:1 159:3	105:14	
64:22 65:3	127:12,13	wrong	126:7	1
65:11,16	135:7 150:8	29:17 57:2	130:10	96:2 169:7
66:13,22	157:8	65:14	young	178:17
67:14,18,22	worker	122:10	53:5 90:13	194:3
68:9,12,20	100:10	177:24	90:24 103:9	1st
69:10,14,25	101:10	wrote	114:10	86:19,23
70:10 71:19	105:7,10	69:21	119:14	1.2
73:12 74:1	106:22		145:1	108:2
74:8 75:9	109:21	Y	154:10	1:30
75:12,19,21	110:7	Yeah	169:8	3:25
76:6,16	workers	7:25 10:3	younger	100
77:13,16,21	99:11 105:2	12:6,16	131:24	72:14 162:8
78:12,17	114:21	17:8,14		165:11
79:16 80:1	120:7	25:7 28:5	Z	178:1 196:8
81:15,20	working	40:7 41:5	Zacharany	100-page
82:3,6,10				



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149:25 150:16 11:00 150:21 1100 39:8,8 40:10 42:21 77:11 119 2:6 12 105:14 12.7 121:16 12/31/12 196:6 120 175:12 13 2:3 150:21 150:22 14 121:17 138:6 14th 195:9,17 14,000 77:10 142 2:7 147 2:8 15 1:15 165:12 167:6 15,000 20:14 21:7 21:15 77:10 15-vote 61:22 157 2:9 16 39:3 195:16 16th 196:1 18 120:4,5 188	2:10 19 93:16 1945 116:9 195 2:12 1965 171:18 1969 13:22 <hr/> 2 <hr/> 85:9 20 63:14,15 165:15 166:5 171:21 20-month 176:23 200-somet... 15:3 2000 86:6 126:12 126:21 133:18 196:8 2004 84:22 2005 17:2 85:24 86:18 113:10 2006 17:2,3 143:11,12 2007 17:2 113:10 2008 17:3 84:14 91:21 143:12 2009 1:3 2010	53:24 86:19 86:24 2012 1:15 53:25 195:16 196:2 2016 54:5 209 195:8,16 22 151:18 167:4 171:11 24-month 175:24 176:24 25 14:22 42:21 43:4,6 151:18 250 39:9 2500 43:2,4 283 196:7 290 39:9 <hr/> 3 <hr/> 3-minute 41:20 3.5 40:6 3.9 40:6,6 30 5:14,16 151:15 300 21:13,14 328-5557 196:9 330582RH 196:11 35-plus 14:14	362 6:17,21 8:7 8:11,12 11:14 13:8 14:8 24:25 37:16,18 55:17 65:9 66:1,20 82:13,17 83:13 90:14 119:7 142:5 142:19,23 144:18 147:14 157:3 169:2 169:25 170:8 184:12 188:12 394 78:2 <hr/> 4 <hr/> 4 121:18 4-7-2009 195:7 40 43:10 60:3 40,000 138:9 40-dollar 171:21 400 143:19 41 84:23 4136 196:6 4194 143:13 42,000 143:16 42.8 116:8 44 93:15 48	75:6 87:2 184:24 <hr/> 5 <hr/> 5.3 121:18 125:14 50 33:4 67:21 50s 179:2 182:19 512 196:9 <hr/> 6 <hr/> 6 101:14 60s 179:2 62,548 84:15 63.0101 96:2 65 23:20,21 24:4 73:15 133:4 <hr/> 7 <hr/> 7 1:3 70 83:22 71st 178:16 73 170:17 75 33:10 170:17 75,000 111:2 77 84:2 78701 195:10,18 196:8
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<hr/> 8 <hr/> 8.3 78:2 80s 31:12 82 2:4 <hr/> 9 <hr/> 9 92:13 90 2:5 173:18 173:18 99.9 169:21				
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TEXAS HOUSE OF REPRESENTATIVES

COMMITTEE ON ELECTIONS

APRIL 7, 2009

Transcribed by Lynne M. Homan, CSR

April 16, 2012



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TX_00033869

1 These are the kinds of things that everybody
2 takes for granted, but let me just share the fact that
3 it didn't take much at all to confuse a taken-for-
4 granted process of going to this particular place that
5 you've gotten used to, where you will be able to
6 exercise your right to have an impact upon the society
7 in which you live, and that's just got to be -- it's a
8 charge for my fellow clients that they desire so much,
9 because listen, there's few things that they can't
10 automatically experience in a real satisfying grateful
11 manner, but I'll tell you from the get-go, that when I
12 was treated in the brain injury rehabilitation facility,
13 I was a client until they realized that this guys got a
14 Master's in health and physical education and a minor in
15 psychology and he taught middle school students and did
16 that for ten years, and then led a teacher organization
17 in his school district, and it was a case of me having
18 had a good bit of life engagement, engaging experiences
19 that I benefited from, as well as the charges that I
20 came in contact with and influenced, including now my
21 thousands of students that I made an impression on and
22 they made an impression on me, via my ten years in the
23 public school. I was teaching and coaching, and so I
24 know it's too late but my intent, to make a long story
25 short, if it's not too late, is to share with you that



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1 the group that I'm here today representing is just
2 counting on the voting process to be one that they can
3 access without any additional restrictive discriminatory
4 hoops, ropes that they'll have to tread through or jump
5 or climb over, because, you know, I've got fellow
6 clients that I used to work with who were so gratified
7 by just being able that I shared with them the fact
8 that, hey, look, you, you make a difference, you
9 matter. There's nobody that's going to take that away
10 from you. I mean, you can go and lodge your interest
11 and desires at a polling place and your influence by
12 doing so will have just as much of an effect as, you
13 know, King Roy, which doesn't exist, but that was my
14 attempt at sharing the fact that as small as they may
15 think they are, they are empowered to have as much sway
16 or influence by the --

17 CHAIRMAN: Mr. Heston.

18 MR. HESTON: yes, I'm sorry.

19 CHAIRMAN: That's all right. I hate to
20 interrupt you. I have given you several times the
21 amount of time the other witnesses have.

22 MR. HESTON: Uh-huh.

23 CHAIRMAN: And I've done that on purpose
24 because of the nature of your disability.

25 MR. HESTON: I appreciate it.



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1 CHAIRMAN: And I want to give you the members
2 of the panel to ask you some questions.

3 MR. HESTON: Thank you so much.

4 CHAIRMAN: And I want to ask you a question or
5 two and I just want to make sure it's clear I'm not
6 cross examining you.

7 MR. HESTON: No, no.

8 CHAIRMAN: I want to give you an opportunity
9 to educate me about your situation.

10 MR. HESTON: Certainly.

11 CHAIRMAN: How do you currently vote?

12 MR. HESTON: How do I currently --

13 CHAIRMAN: When you go vote, what
14 documentation or identification do you use when you
15 vote?

16 MR. HESTON: I do whatever I happen to have in
17 my clothing that day.

18 CHAIRMAN: Okay.

19 MR. HESTON: So I usually have my wallet and
20 all of its contents from, you know, credit cards and
21 such that I live on, you know. I don't -- I don't do
22 much other than kind of keep a compact package to take
23 whatever it is.

24 I might have my, you know, license, and
25 don't be scared, don't be afraid you might run into me



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1 on the roadway, because I can --

2 CHAIRMAN: You do have a driver's license?

3 MR. HESTON: I do, and I can drive just fine.
4 I just, you know, desire for there not to be a sudden
5 malfunction in the cab of my vehicle that might cause a
6 problem.

7 CHAIRMAN: And you understand that you, under
8 this legislation, you can use that driver's license to
9 vote just as you can under current law?

10 Did you know that under the Senate bill, you
11 can use that driver's license to vote just as you can
12 under current law?

13 MR. HESTON: Well, I -- you're bringing to
14 mind something that I think I come across. But you
15 know, I'm one of the few that has the capacity to drive.

16 CHAIRMAN: Right.

17 MR. HESTON: Amongst that group that I
18 represent.

19 CHAIRMAN: Okay. Have you looked, by chance,
20 at the list of none photo identifications that are
21 available?

22 We heard some testimony today from a witness
23 that brought to our attention that perhaps we ought to
24 include in that list photo identifications from a
25 private university in the state of Texas.



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1 MR. HESTON: Yes.

2 CHAIRMAN: I mean, that's why we're having
3 these hearings, is for people like you to identify
4 things that we haven't thought about.

5 MR. HESTON: Okay.

6 CHAIRMAN: Have you had a chance to look at
7 the list?

8 MR. HESTON: I can say that I glanced over
9 it. I don't have the capacity to remember. Just like
10 you just got my attention.

11 CHAIRMAN: Yes.

12 MR. HESTON: And opened my eyes and realized
13 that I probably have been going on for 45 minutes, but
14 nevertheless --

15 CHAIRMAN: I don't think it was quite that
16 long.

17 MR. HESTON: Okay. Well, nevertheless, see,
18 I'm hugely fortunate in that I attend the brain injured
19 association because I can advocate for my fellow members
20 in the association in that that I'm able to drive and I
21 can work the copier and I can type and I can even write
22 a story or two if I get so motivated, but yes, go
23 ahead. I'm sorry.

24 CHAIRMAN: I just want to give the other
25 members of the panel an opportunity to ask you any



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1 questions they would like to ask you. Representative
2 Heffer?

3 REPRESENTATIVE HEFFER: Mr. Heston, I just
4 want to thank you for coming here today.

5 MR. HESTON: My pleasure, sir.

6 REPRESENTATIVE HEFFER: And I want to assure
7 you that you represent a very important segment of our
8 population, and I think it would behoove that committee
9 to ensure that whatever steps we need to take to ensure
10 you're right to vote is protected, to do so.

11 MR. HESTON: Thank you very much.

12 REPRESENTATIVE HEFFER: So I want to
13 thank you for being here today. You certainly do
14 represent your citizenry well.

15 MR. HESTON: Thank you so much.

16 REPRESENTATIVE HEFFER: Thank you for
17 your testimony here today.

18 MR. HESTON: I appreciate it.

19 REPRESENTATIVE HEFFER: Thank you.

20 CHAIRMAN: Any other questions for this
21 witness? I think that's all we have. We thank you,
22 Mr. Heston, for taking the opportunity to do this today.

23 MR. HESTON: I appreciate the
24 opportunity.

25 CHAIRMAN: Absolutely. Good job. At



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1 this time, the Chair would call Eric Nichols, who is
2 speaking on behalf of the Office of the Attorney General
3 as a resource witness and is neutral on Senate Bill
4 362.

5 Please state your name and who you
6 represent.

7 MR. NICHOLS: Thank you, Mr. Chairman.
8 Eric Nichols, Deputy Attorney General for Criminal
9 Justice here on behalf of the Office of the Attorney
10 General. I appeared as a resource witness before the
11 committee in its last session. Actually that was
12 earlier this morning. But I'm here, I understand, to
13 answer one particular concern that the committee had in
14 addition to what I testified to earlier this morning,
15 which concerns a matter that I raised in my earlier
16 testimony but may not have put enough of a punctuation
17 mark on it, and that is the issue about public testimony
18 concerning matters that are the subject of ongoing
19 criminal investigations through our office.

20 And I want to make clear that it was on the
21 record that among the matters that we have under active
22 investigation for potential election code violations
23 include two elections that occurred in the year 2008 in
24 Hidalgo County in the city of Progresso.

25 One was an independent school district



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1 election. The other was a municipal election. The
2 other matters that I've heard some reference to in the
3 debate over this legislation concern Harris County, and
4 our office has active investigations concerning both the
5 primary and general elections in Harris County in 2008.

6 The reason why I'm mentioning this is that
7 from the perspective of a person who works with both our
8 prosecutors and our investigators on these types of
9 investigations, I would find it extremely unfortunate
10 if, in the context of a public hearing on legislation
11 such as this, that either the committee or individual
12 witnesses would engage in a discussion about facts of
13 matters that are under active investigation. And the
14 reason for that is many fold but I'll give you two.

15 Number one, there's a need to protect the
16 integrity of ongoing criminal investigations. And
17 number two, in all criminal investigations, both inside
18 and outside of grand jury, we respect the rights of
19 people who report crime and we respect the rights of the
20 people who may be accused of crime. And until such time
21 as an investigation is completed and a determination is
22 made that somebody is going to stand to account for
23 charges, it's wholly inappropriate to engage, in our
24 view, in a public discussion about those types of
25 allegations. So I would certainly ask for and respect



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1 the committee's desire to provide some indulgence to not
2 engage in a discussion about facts of matters that are
3 under investigation, and I would also encourage any
4 witnesses who are here that may be aware of the fact
5 that the matters that they may wish to talk about are
6 under investigation to refrain from discussing those.
7 That is not to interfere with someone's ability to
8 exercise their rights, to testify about the legislation,
9 what they see as the advantages or disadvantages of a
10 particular piece of legislation.

11 My comments deal specifically with the
12 discussion of facts of matters that are under
13 investigation, and I hope, Mr. Chairman and members of
14 the committee, that that is a little bit more clear than
15 I was at 1:15 a.m. this morning, but if the committee
16 has any questions on that or other subject, I would be
17 happy to amplify.

18 CHAIRMAN: Representative Anchia?

19 REPRESENTATIVE ANCHIA:□ Thank you for being
20 here today, Mr. Nichols. I want to make sure I
21 understand the admonition completely. If someone is
22 here and wants to testify about specific facts that may
23 be the subject of an ongoing investigation by the
24 Attorney General, you are advising that that may
25 adversely impact the investigation of the Attorney



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1 General.

2 MR. NICHOLS: Yes, sir.

3 REPRESENTATIVE ANCHIA: And it is your further
4 admonition that if someone has come here to testify in
5 favor or against the Senate bill, that they should limit
6 their testimony specifically to the provisions of the
7 bill?

8 By way of example, I think that provision A,
9 B, C, or D is good for the following reasons, correct?

10 MR. NICHOLS: That is exactly our preference.
11 Thank you Representative Anchia.

12 REPRESENTATIVE ANCHIA: Thank you.

13 MR. NICHOLS: And so we're going to have no
14 choice but to leave that to the discretion of the
15 witnesses on the list, whether you be from Houston or
16 Progresso or any other part of our state and you're
17 aware or familiar with any ongoing active criminal
18 investigations, we can't and don't wish to prevent you
19 from testifying on how you feel about this particular
20 piece of legislation, but you're the one that's going to
21 be talking and so you need to make sure that you do not
22 say anything about any facts or matters related to items
23 that you have reason to believe are under active
24 criminal investigation, and to the extent that you're
25 not sure you can do that, then it's up to you on whether



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1 you want to testify. I presume all of you do not want
2 to do is do anything to undermine the ability to
3 prosecute any crime of any kind in this state.

4 Any other questions of the representative of
5 the Attorney General?

6 NEW SPEAKER: I just want to make sure I
7 understand. Are you asking this committee to refrain
8 from asking questions about specific instances that have
9 been involved -- I'm sorry -- that have been discussed
10 in the newspapers?

11 MR. NICHOLS: To the extent that they are the
12 subject of ongoing criminal investigations, and that's
13 why I wanted to particularly point out the situation
14 with Hidalgo County and Harris County.

15 NEW SPEAKER: There's no legal prohibition,
16 you're just asking us to respect your wishes?

17 MR. NICHOLS: I'm asking for the committee's
18 indulgence on that and appreciate whatever consideration
19 the committee can provide.

20 CHAIRMAN: Representative (Inaudible)?

21 REPRESENTATIVE: Technically speaking,
22 wouldn't there be some legal reason for that though? I
23 mean, it's not just your indulgence, it's the fact that
24 we could compromise a pending case.

25 MR. NICHOLS: That is certainly a possibly,



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1 plus we have to take into account that both witnesses
2 and persons who may be the subject of investigations may
3 have rights that, that, if they're testifying before a
4 public body such as this, may be compromised. And so
5 for that reason as well, to protect the rights of
6 individual witnesses, I just think it's the most prudent
7 course of action to do what I've suggested.

8 NEW SPEAKER: And to be clear, you're
9 just not asking you to indulge us in our choosing not to
10 ask you questions, but ensuring that they don't enter
11 testimony specific to their case simply, they need to be
12 very pointed and specific to the legislation and only
13 speak to that.

14 MR. NICHOLS: Yes, sir.

15 CHAIRMAN: Representative Peña?

16 REPRESENTATIVE PEÑA: My understanding of
17 any legal prohibition would be the discussion of grand
18 jury testimony, is that correct?

19 MR. NICHOLS: Grand jury proceedings are
20 secret by law, yes, sir.

21 MR. PEÑA: Right, but other than that,
22 it's simply a request made to us, without legal
23 restriction?

24 MR. NICHOLS: If it's not -- if it
25 doesn't relate to grand jury proceedings, it's not



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1 subject to grand jury secrecy; however I think there are
2 other legal considerations that come in into play.

3 MR. PEÑA: I appreciate what you're
4 trying to tell me. I just want to make sure I
5 understand.

6 MR. NICHOLS: Yes, sir.

7 MR. PEÑA: There are many times --
8 I'm an attorney and many times I'm asked
9 to -- when there are criminal proceedings against an
10 individual, for example, in a sexual assault case, I'm
11 asked, or the judge is asked to hold me back from
12 conducting discovery because it just seems unfair or
13 you'd rather do one thing at a time, and in this case,
14 you have no -- you have no way to legally bind us,
15 you're simply making a request?

16 MR. NICHOLS: I'm making a request that I
17 believe is based on both law and good policy.

18 MR. PEÑA: You understand the impression
19 that that leaves on many of the people who read the
20 papers, and when there are allegations made of voter
21 impersonation, that those are just blanket allegations,
22 without any cross examination or examination, and that
23 leaves a -- it can leave a bad impression on the reader
24 or on the citizenry out there.

25 MR. NICHOLS: Representative, I'm a



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1 Prosecutor by profession and one of the things that I
2 strongly believe in that persons are innocent until such
3 time as they are proven guilty in a court of law, and I
4 believe that very strongly and I believe that anyone who
5 reads a paper should feel the same way.

6 MR. PEÑA: Yes. Now let me just say,
7 just as a statement, I've said here and I have friends
8 here from the valley. There is a level of political,
9 dirty politics. For example, in the treatment of the
10 elderly with mail-in ballots that I'm concerned about,
11 but when an allegation is made of voter impersonation,
12 you can understand my concern, when other witnesses have
13 said that they've never seen any of it found in the
14 valley, you can understand that, right? You can
15 appreciate my concern.

16 MR. NICHOLS: I appreciate your concern
17 and I've heard a number of things said by persons who
18 are on different sides of this issue about the lack of
19 evidence of voter -- voter impersonation and so forth,
20 so I understand, I think, where you're coming from.

21 MR. PEÑA: Right. Well, I'll listen to
22 the testimony.

23 MR. NICHOLS: Yes, sir.

24 MR. PEÑA: But I also want to make this
25 statement. I'm probably one of the strongest opponents



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1 against voter corruption in my community. I will come
2 out and blast people, and my friends here who are the
3 owls, understand who are against voter corruption as
4 well.

5 Will understand that I've taken great steps to
6 talk about corruption, and in all my experience, like
7 Mr. Wood, I found little evidence of voter
8 impersonation. I simply haven't seen it. And I simply
9 want to make that statement because the papers have all
10 covered this event in Progreso, and I understand how
11 politics is done in my smaller community in the valley,
12 but I also would like people to understand that you
13 can't take a bear statement as gospel, that there needs
14 to be an examination of the facts.

15 MR. NICHOLS: And you and I agree a
16 hundred percent on that, which gets to my point, that
17 that examination of the facts needs to be done, it needs
18 to be done in a professional manner by professional
19 investigators, professional prosecutors, before anyone
20 reaches a conclusion one way or the other.

21 MR. PEÑA: Let me say if, in fact, there
22 is any voter impersonation that has occurred, I would
23 ask that you prosecute them to the fullest.

24 MR. NICHOLS: Yes, sir.

25 MR. PEÑA: But that doesn't leave my



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1 skepticism as to the things I've read in the paper,
2 based on the experience I've had in living in the
3 community. But anyway, I respect your request.

4 MR. NICHOLS: I appreciate it.

5 CHAIRMAN: Representative Bonner?

6 Chairman Bonner.

7 REPRESENTATIVE BONNER: Chairman Peña, I
8 respect completely, I think what we're trying to do is
9 make sure this committee doesn't engage in the rhetoric
10 or discussion that's been in the newspapers, and that we
11 leave that out of this, because this committee is not
12 the proper place to get the facts and decide whether
13 this is appropriate or inappropriate.

14 I think what we're trying to do is ensure what
15 you want to ensure, which is that we not go into these
16 discussions and we not have allegations brought that
17 can't be discovered fully, true or untrue, by this
18 committee. Is that fair, Mr. Peña?

19 MR. PEÑA: I understand what you're
20 saying, and my goal, as is everyone here, is to find the
21 truth and to find some, and that's all I'm attempting to
22 do.

23 REPRESENTATIVE BONNER: Yes, sir.

24 CHAIRMAN: All right, Representative
25 Brown's question, before she asks it, I would just like



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1 to show on the record that Lynn Harper has joined us.
2 Representative Brown.

3 REPRESENTATIVE BROWN: One question. You
4 were with us last night until we adjourned, correct?

5 MR. NICHOLS: Yes, sir.

6 REPRESENTATIVE BROWN: Did you hear
7 anything that he gave you that you were concerned about
8 that we've entered into?

9 MR. NICHOLS: Well, I did want to mention
10 Harris County, because there was some discussion about
11 Harris County. I don't know if issue is going to come
12 up again today or not, and that is why.

13 REPRESENTATIVE BROWN: Was the video a
14 problem?

15 MR. NICHOLS: No, the video was a news
16 report, but in terms of getting into questions of
17 wanting to get copies of records so that people can do
18 signature comparisons, I think I heard a reference to
19 that during the committee's hearing, wanting to talk to
20 witnesses who are involved in this outside the
21 professional criminal investigation process, any effort
22 by either, by anyone outside the criminal investigation
23 process to interview witnesses, collect documents, all
24 of that has the capacity to interfere with an ongoing
25 criminal investigation, so I appreciate your clarifying



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1 that.

2 REPRESENTATIVE BROWN: Thank you.

3 CHAIRMAN: Any other questions of this
4 witness?

5 I don't see any questions. Thank you.

6 MR. NICHOLS: Thank you.

7 CHAIRMAN: Thank you, Mr. Nichols. At
8 this time, the Chair calls Marilu Ybarra, representing a
9 group from Progresso, who's testifying in favor of
10 Senate Bill 362. Do you wish to testify? Just state
11 your name.

12 MS. YBARRA: Yes, my name is Marilu
13 Ybarra?

14 CHAIRMAN: And you represent yourself?

15 MS. YBARRA: Yes, sir.

16 CHAIRMAN: And do you have anything you
17 wish to share with us today, in light of this discussion
18 we've just had?

19 MS. YBARRA: Okay. We leave this effect
20 on the borders for every election in Progresso, so
21 please help us to pass this leg -- I don't know how to
22 --

23 CHAIRMAN: Legislation?

24 MS. YBARRA: Yes.

25 CHAIRMAN: Thank you very much. Members,



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1 do you all have any questions of this witness?

2 Representative Peña, Chairman Peña?

3 MR. PEÑA: Ms. Ybarra?

4 MS. YBARRA: Yes, sir.

5 MR. PEÑA: I want to assure you that
6 everybody here is against it and it's our intention to
7 have good government not only in the valley but
8 throughout Texas, I want you to know that and I want to
9 thank you.

10 MS. YBARRA: Okay.

11 CHAIRMAN: And you want us to show you in
12 favor of Senate bill 362?

13 MS. YBARRA: Yes, sir.

14 CHAIRMAN: And we will. Thank you.

15 MS. YBARRA: Thank you.

16 CHAIRMAN: The Chair calls Annabell
17 Medina, representing herself as a taxpayer testifying in
18 favor of Senate bill 362.

19 UNIDENTIFIED FEMALE: She's in favor.

20 CHAIRMAN: Thank you. Just state your
21 name.

22 MS. MEDINA: My name is Annabell Medina.
23 My name is Annabell Medina.

24 CHAIRMAN: And you're here representing
25 yourself?



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1 MS. MEDINA: Yes. I'm from Progresso,
2 Texas.

3 CHAIRMAN: All right. Anything you wish
4 to tell us?

5 MS. MEDINA: Well, we just wish for that
6 law to pass because we are having trouble there, people
7 voting without an ID, voting for somebody else with a
8 card.

9 CHAIRMAN: Thank you. Any questions
10 members, of this witness? And just to be clear, I think
11 I've already established this, but you wish us to show
12 you as in favor of Senate bill 362, right?

13 MS. MEDINA: Yes, that's right.

14 CHAIRMAN: Thank you.

15 MR. MEDINA: Thank you.

16 CHAIRMAN: At this time, the Chair calls
17 Pedro Lopez, representing himself. Is he close by or --

18 UNIDENTIFIED FEMALE: He went to the
19 bathroom.

20 CHAIRMAN: Okay. Well, I want to give
21 him an opportunity to testify.

22 The Chair calls Ramey Coe, representing
23 the Organization of Chinese Americans. Are you here? I
24 got to give these people an opportunity to testify.
25 Ramey, if you are hearing me or seeing me --



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1 There you are.

2 MR. COE: (Inaudible).

3 CHAIRMAN: I understand. Please state your
4 name and who you represent.

5 MR. COE: My name is Ramey Coe. I represent
6 the Organization of Chinese Americans.

7 CHAIRMAN: You're testifying against Senate
8 bill 362?

9 MR. COE: That's correct, sir.

10 CHAIRMAN: Okay, thank you. Please proceed.

11 MR. COE: Just to tell you a little bit about
12 OCA, we were founded in 1973 as national organization.
13 There are over 81 chapters and affiliates currently
14 dedicated to advancing the social, political and
15 economic well-being of Asian Pacific Americans, as one
16 of 14 national civil rights, Asian American civil rights
17 organizations in D.C.

18 Photo ID requirements for voting have a
19 particularly onerous effect on the ability for Asian
20 Americans to vote. A recent survey of voters in
21 California, Washington State and New Mexico, Asian
22 American voters, that is, showed that Asian Americans
23 are eight percent less likely to have photo ID than
24 their white counterparts.

25 Additionally, and these are some things that



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1 aren't necessarily against all of elements of the bill
2 but things I'd like the committee to keep in mind when
3 looking at possible changes or amendments to the bill,
4 to be aware of the fact that the expense and time
5 required to obtain an ID is especially problematic for
6 naturalized citizens. Half the Asian American
7 population is foreign born, a higher proportion than any
8 other ethnic group in the United States.

9 Even if photo IDs are provided for free,
10 obtaining documents such as naturalization certificates
11 to obtain the ID or other documentation requires a great
12 deal of time and expense. Naturalization certificates
13 cost \$380 and can take up to a year to receive.

14 Photo ID requirements give poll workers an
15 enormous degree of discretion at polling places, which
16 can be particularly problematic for naturalized Asian
17 Americans who have limited experience the legalese
18 surrounding ID laws.

19 A law would raise the risk of communication
20 difficulties that would deny Asian Americans the right
21 to vote. Numerous studies have already documented many
22 cases in the past several elections that where Asian
23 Americans were asked to show ID at polls in various
24 states, mis-understandings arose that frequently
25 resulted had in the legally eligible voters being denied



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1 the right to cast a ballots.

2 Now one thing in particular I'd like to
3 emphasize is the problem with name matching
4 requirements, and this is just something perhaps to keep
5 in mind about the bill itself. In 2008, various Asian
6 Americans organizations, including the Asian American
7 Justice Center, documented numerous cases of Asian
8 Americans being denied the right to vote in states with
9 voter ID laws because of name matching problems. This
10 was particularly a problem in Florida. Chinese,
11 Japanese and Korean names are not written with the
12 English alphabet and have multiple parts. When Asian
13 Americans transliterate these names for documentation
14 and IDs, there are frequently inconsistencies, either
15 because the person has refined the spelling over time or
16 because errors are made in transcription by workers
17 unfamiliar with Asian names. These can range from
18 incorrect hyphenation to switched letters, to improperly
19 combining or splitting separate parts of the name. Many
20 Asian Americans also adopt American names for daily use,
21 so sometimes they have different names on different ID.
22 For example, my cousin's passport and Social Security
23 card use her transliterated Chinese name but her
24 driver's license says Kathy.

25 What all of this points to is the fact that



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1 Asian American voters, as a community, have numerous
2 concerns with various elements of this legislation and
3 the way that it might impact their right to vote.

4 CHAIRMAN: Before I let members of the
5 committee to ask you questions, Mr. Coe, can you give me
6 some sense, how many people do we have in the overflow
7 room?

8 MR. COE: I think we have about I'd say 20 to
9 30.

10 CHAIRMAN: Okay, and if you're listening or
11 you can see me, I guess you can see me, I think we have
12 20 do 30 empty seats in this room, and so to the extent
13 you would like to, I welcome you to join us here in this
14 room so that as we call random people to testify, you
15 might be more readily available.

16 Any questions for this witness?
17 Representative Brown?

18 REPRESENTATIVE BROWN: Yes. Thank you for
19 coming to testify. When a person is naturalized and
20 they come to this country and are naturalized, aren't
21 you given some kind of document proving that
22 naturalization at that point?

23 MR. COE: Sometimes, there's frequently cases
24 where an official naturalization certificate, for
25 whatever reason, doesn't make it to the person. A lot



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1 of times, also there's problems where, over a course of
2 time, that certificate is lost. A lot of people, it's
3 not a document people keep on them, it's not a document
4 that a lot of people have readily available. My
5 parents' naturalization certificates, for example, are
6 in their safety deposit box.

7 REPRESENTATIVE BROWN: So that wouldn't be
8 that difficult for them to prove their identity with
9 that paper?

10 MR. COE: No, not for my parents, no, but for
11 other Asian Americans.

12 REPRESENTATIVE BROWN: I just wondered if this
13 was presented and people just tossed it like it wasn't
14 valuable.

15 MR. COE: Oh, no, I don't think it's because
16 people don't think it's valuable. I just think that,
17 you know, people here who have been naturalized for --
18 there's a significant number of Asian Americans now who
19 have been naturalized for 20, 30 years, and over the
20 course of moving, you know, papers gets shuffled around
21 and sometimes even important documents get lost.

22 REPRESENTATIVE BROWN: But you feel that would
23 be the exception and not the rule, that most people
24 would still retain that document and not be forced to go
25 spend \$300 to obtain one?



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1 MR. COE: I think it's an example of the type
2 of additional documentation hurdles that people who are
3 naturalized citizens tend to face. I couldn't give you
4 an exact number of exactly how many people that would
5 effect, but between naturalization documents and other
6 types of documentation issues related to that, you know,
7 I just want to point out that that is an additional
8 burden.

9 REPRESENTATIVE BROWN: Is there a proof of any
10 kind of identification prove in China in order to
11 participate in an election or do you have --

12 MR. COE: Well, there's not a lot of elections
13 in China.

14 REPRESENTATIVE BROWN: I guess not. Touche.
15 Okay, would there be any other time that you have to
16 prove identity in China?

17 MR. COE: Well, in China, this is actually a
18 tradition dating back through the imperial period of
19 Chinese history. All Chinese residents were required to
20 register with local magistrates, and in fact, to this
21 day, that survives.

22 When you're born, you have to go and get this
23 document registration, and actually there's a lot of
24 restrictive rules around, that you can't move without
25 permission because the government has to be able to keep



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1 track of where you are at all times, et cetera, et
2 cetera.

3 REPRESENTATIVE BROWN: It's like a birth
4 certificate?

5 MR. COE: Kind of. It's more like an all
6 purpose passport. Well, it's not a passport. It's more
7 like an all-purpose government identity card, but the
8 reason everybody has it is because it's very strictly
9 enforced by the government to ensure that all people are
10 monitored.

11 REPRESENTATIVE BROWN: I wanted to establish,
12 do you think -- do you see the need for us to be able to
13 prove identity in this country in order to participate
14 in something like an election?

15 MR. COE: Yes, I do think there are certain
16 needs.

17 REPRESENTATIVE BROWN: Do you have any
18 suggestion for us, something that would help the Chinese
19 community that would be easier to -- easier on you?

20 MR. COE: Well, I mean, just one suggestion
21 off the top of my head is some type of provision
22 addressing the problem with names. That's, I think, one
23 of the most frequently noted problems that happened in
24 the 2008 election, which is the problem with a lot of
25 voters having problems because their names didn't match.



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1 REPRESENTATIVE BROWN: Well, rather than
2 everyone here having to learn Chinese, I understand it's
3 a rather difficult language --

4 MR. COE: Right.

5 REPRESENTATIVE BROWN: Do you think it would
6 behoove you and your citizens to adopt a name that we
7 could deal with more readily here, such as you're
8 talking about, and I'm not talking about changing your
9 name, I'm talking about the transliteration, or whatever
10 you refer to this, that you could use with us.

11 MR. COE: Well, transliteration typically is
12 technically governed by certain academic standards
13 right. Like for Chinese, there's the Wade-Giles
14 transliteration system and the Pinyin transliteration
15 system. For Korean and Japanese, there are other
16 various systems. I think two or three for Japanese and
17 three for Korean, so that's transliteration. That's
18 basically where you try to keep the pronunciation of
19 your name but you write it in English alphabet. But a
20 lot of Asian Americans will, for the purpose of daily
21 use, adopt, you know, quote, unquote, American names, so
22 for example, again, my cousin, she goes by Kathy
23 normally, on a day-to-day basis, and Kathy is what it
24 says on her school transcripts and it's what it says --
25 well, she's not in school any more but it's what she



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